

The Nation.

NEW YORK, THURSDAY, JULY 12, 1877.

The Week.

THE week has been marked by two great scandals—the reappearance of Mr. Robeson at a “banquet” given him in New Jersey by his admirers, and the appearance of Messrs. Chamberlain and Blaine at Mr. Henry C. Bowen’s home in Woodstock, Connecticut, as Fourth-of-July orators to denounce the President. All who read the evidence in the Robeson investigation know that it was a most disgraceful exposure, which ought to have driven him, and but for the widespread taint of “Grantism” would have driven him, into private life for the rest of his days. The only shadow of an excuse he has for facing the public again is the finding of the committee that the evidence did not furnish a case for impeachment, which, after the experience we have had of impeachment, nobody who is not a hardened offender would take for a vindication. Nothing daunted, however, he has come forward as an injured hero, and the tribute to him furnished the occasion to many of the old hands of the Grant régime to sing the praises of their absent chief, and to preserve a studied silence about the successor who is trying to save the country from them. It also, we are sorry to say, drew from Mr. Justice Bradley of the Supreme Court a letter in which he declared Mr. Robeson to have been “persistently maligned by a reckless and dishonest press,” and bespoke “continued confidence in him as a man and a Jerseyman.”

The Woodstock scandal was more ludicrous, and indeed was so thoroughly “bouffé” that only Offenbach could do justice to it. Mr. Bowen, who has lost the great glory and support of his life by expulsion from Plymouth church, and is now a pewless man, was a notorious peddler of worthless bonds before the panic, and entered into a secret and corrupt agreement with Jay Cooke & Co. to give the “use and influence of his editorial columns” to puff the Northern Pacific bonds for a heavy consideration in stock and bonds. When taxed with the existence of this agreement, he denied it with the utmost effrontery. He ought, therefore, carefully to abstain from conspicuousness of all kinds, and especially of the political kind, such as the concoction of political demonstrations like that of last week. Mr. Chamberlain, his first orator, began his political career in South Carolina as attorney-general and the dumb and blind colleague, on two or three public boards, of the Ring thieves of that State while they were engaged in enormous frauds on and thefts from the treasury; and ended it by becoming the nominee of the very men (of his own party) whom, when he was expecting the Democratic nomination as Governor, he had denounced as enemies of “the civilization of the Puritan and the Huguenot.” These facts, were his taste and morals in proper condition, would have made an attack on President Hayes at this date for not furnishing him and his supporters and allies with an armed force to support their baseless pretensions the very last thing he would think of. He is entitled to a fair field at the bar, but he must see not only that his judgment on Southern or any other politics has lost all value, but that his recent career condemns him to modest silence. In a proper state of the political atmosphere Mr. Blaine, too, would seek seclusion and shade, like a weary stag on a hot day. His appearance on the platform to accuse the Administration of a conspiracy to make war on Mexico in aid of “the solid South,” and to profess great anxiety about this concoction of his own restless brain, is not a thing to be discussed seriously, but to be turned over to Offenbach and Aimée. To crown all, the wretched wags were successful in entrapping Dr. Wendell Holmes, who, of course, had no idea of what was intended, into reading a poem on his ancestors at the close of these ridiculous speeches.

Another illustration of the working of the President’s “policy” has occurred in Selma, Alabama, which surpasses in atrocity and barbarism the Kemper Co., Miss., tragedy, for which it is well settled the “policy” is also responsible: for we need hardly say that neither would have occurred had Chamberlain and Packard been kept under guard. The Alabama affair is worse than the Mississippi affair because the latter was the result of a bloody feud of long standing, while the former can only be attributed to the withdrawal of the troops from Columbia and New Orleans. The facts were that a Harrall boy had a fight with a Jones boy, the son of an ex-officer of the Federal and Confederate navy. The families of the boys were friends, and Mrs. Jones, artfully simulating the distress of a well-bred Christian lady, but being doubtless in reality alarmed by the rumors of Republican dissatisfaction at the North with the “policy,” sent her son, whom she thought in the wrong, with a note of apology to Mrs. Harrall and a present of apples for his late antagonist. The boy was met at the door by Mr. Harrall, who took the note, but, knowing there were no troops near, did not read it, and did not hear what young Jones had to say, but, calling his son, set the boys to fight again under his own supervision. This time they were separated by a passing aunt, and the Jones boy went home and told the miserable story to his father, who, permanently lame from a wound, went down to Harrall’s house, leaning, as usual, on a cane, with which he seems to have gesticulated in remonstrating with Harrall on his brutal behavior. Whereupon Harrall drew a pistol and shot him fatally, holding Mrs. Jones’s unopened apology in his other felon hand. The cowardly savage is now about to be tried, and he may or may not get his due; but, men and brethren, could anything so shocking, so unlike anything ever heard of at Concord, Mass., or Burlington, Iowa, have happened were Chamberlain still Governor of South Carolina and Packard ruling over Louisiana?

The Grand Jury in New Orleans have indicted Wells and Anderson and Kenner and Casanave of the Louisiana Returning Board for fraudulent alterations of the returns from one of the parishes at the late Presidential election, and it is said that the trial will produce many and painful disclosures about the connection of these men with the Republican managers of the late canvass. It is objected, however, that to allow the case to go to trial will be a violation of Governor Nicholls’s promise or agreement to let bygones be bygones, and pursue nobody for “political offences” committed during the late Presidential struggle, and generally injudicious as likely to revive angry feelings. We can, however, conceive of no reason for stopping the prosecution that will hold water for one moment except defects in the proof and consequent likelihood of an acquittal. If the proof is good, Wells and his confederates are no more entitled to impunity, under an agreement to overlook “political offences,” than any Democrat who, during the canvass, whipped or murdered negro voters. Their offence is only “political” because it had serious political consequences, just as a murder or arson might have had. In reality, if guilty of anything they were guilty of forgery and fraud of the most shocking kind, and with Wells, at least, the object was not wholly or principally the election of anybody in particular as President, but the receipt of a good round sum for the election of somebody. The evidence before the House Committee pointed strongly to this, if it did not convict him of it. The only possible argument in favor of the “political” view of his offences is the connivance or countenance which they met with from Northern politicians, and even from men who do not call themselves politicians, but moralists. Governor Nicholls owes it as a duty to the whole country to see to it that if the proof against these men is good they are pursued to the utmost limits of the law, so that their offence may remain in American history, not as a precedent for other scoundrels to follow or be put up to, but as a warning and example which will make not only common rascals

avoid it, but political managers frown on it as an expedient not to be thought of, and pious politicians as something by which there is no innocent way of profiting.

In the matter of the Baltimore Collectorship, which the newspapers have so fully discussed during the past week, all our information indicates that the President, "for the good of the party," has allowed himself to be twisted by "workers" into countenancing and ultimately taking sides in a disgraceful squabble. This judgment will hold good, we believe, even if it be true, as alleged, that he has been attempting to play the Quixotic part of righting some of the wrongdoings of his predecessor. Whatever the personal merits of Mr. Wilkins, who has been removed from the Collectorship, or of Mr. Thomas, who has been appointed in his stead, they represent only two contending sets of politicians; and the prolonged contest between their "friends" was nothing but a fight between two factions of Maryland Republicans over the distribution of political plunder. This is apparent as well from the general character of the struggle between them as from the published letters of Mr. Creswell, late Postmaster-General, and Mr. Fulton, editor of the *Baltimore American*, who appear to be the chief "backers" respectively of Messrs. Wilkins and Thomas. An unblushing letter from Fulton to the President, in which he offers to secure a certain election in return for desired appointments, should have sufficed to warn Mr. Hayes against having anything to do with him.

The Wilkins-Thomas imbroglio, the suspension of Dowling at Toledo, and some analogous occurrences in the past month have given great joy to the malcontents of the President's own party; are likely to occasion disagreeable wrangling in the next Congress, where they will come up for consideration under the Tenure-of-Office Act; encourage officeholders in the belief that after all Mr. Hayes is only playing a part, and that after a while everything will go on again swimmingly in the old-time fashion; and, if repeated, must inevitably dishearten every earnest supporter of his policy of reform. Civil-service reform demands, indeed, extraordinary firmness and courage; but the President has begun it, and has received all the support that any man should expect when undertaking to carry out a new policy in the face of determined opposition, and he ought to avoid throwing cold water in the faces of those who have trusted his professions. It is greatly to the credit of the best part of the Republican press that it has shown little disposition to gloze over the Baltimore affair, but is plainly desirous of holding Mr. Hayes rigidly to his own standards of civil-service requirement.

The action of the Chamber of Commerce of Cincinnati in instructing its delegates to the National Board of Trade to recommend to Congress "such modification of the Resumption Act as shall postpone the time of its enforcement," is important in itself, and becomes still more so when considered with recent reports from Washington indicating a "weakening" on the part of Secretary Sherman and a disposition to concede something to the strong anti-resumption sentiment now prevalent in the West. Precisely what Mr. Sherman proposes to concede, if anything, we have not learned; but he must know, as well as the men who are to write the party platforms of coming conventions, that nothing whatever can be conceded which is not unwise and dishonorable. Ohio politics are in a very unsettled condition. The Republicans will advocate prohibition or will let it alone as the vote of Cincinnati or of the rest of the State is thought most necessary. They will throw a sop to the Greenback party or will let it alone from similar motives. They will clamor for silver in some form, and the more the better, in order to get ahead of the Democrats; and the present turning toward anti-resumption looks like another attempt to take the wind out of Democratic sails—an attempt which the latter party will doubtless offset by something equally foolish and dishonest. Unfortunately, we fear that the President is considerably influenced by the desire to carry his own State.

Some of the New England newspapers have recently contained insinuations of a very damaging and scandalous character against the

official behavior of Judge Dillon of the United States Court of Iowa. The matter is of a good deal of public interest, inasmuch as Judge Dillon has been frequently spoken of as a candidate for the vacant seat on the Supreme Bench at Washington. The charges are substantially that he has grossly denied and delayed justice in a foreclosure suit brought by the bondholders of the Central Railroad of Iowa. The facts appear from the papers, and from a printed circular issued to the creditors of the road, to be these, and they show in a curious way the difficulties which capital meets with in the newer parts of the country in establishing even unquestioned rights: The Iowa Central is a railroad running north and south through the State of Iowa, the bonds of which are mainly owned in the East. Like many other Western roads, after the panic of 1873 it collapsed. The first-mortgage bondholders had, as is usual, the right to foreclose the mortgage and take possession of the road; but though it is settled law that a single bondholder can maintain a foreclosure suit, and although foreclosure proceedings were begun in May, 1874, the mortgage is still, after a lapse of three years, unenclosed, and this, too, notwithstanding the fact that all the parties interested agreed that a decree of foreclosure should be entered by Judge Dillon as long ago as October, 1875, and such a decree was actually entered. During this delay Judge Dillon is charged with having removed a perfectly competent receiver, who was managing the road in a manner satisfactory to the bondholders, and admitted by the judge himself to be a fit man; with having put in a man unacquainted with railroad management (Mr. J. B. Grinnell, of Iowa), who at once began, not merely to mismanage, but to plunder the road; and, further, on charges being brought against Mr. Grinnell, with having refused to examine them. It is also alleged against him that, having first denied an appeal from the decree entered in 1875, he almost immediately afterwards allowed it, without any change of circumstances; that, having in the first instance decided that it was impossible to have the decree corrected or a new decree entered, he decided subsequently exactly the opposite; that having finally granted a stay of proceedings, and the case having been taken to the Supreme Court at Washington, and there decided against him, and the stay set aside, he still continued for some time to prevent any execution of the decree, in almost direct defiance of the opinion of the Supreme Court.

These facts, if they can be proved, certainly tend to show that the administration of justice in the Iowa Court is not what it should be; but the charges are made more serious by the connection with them of the Hon. Hiram Price, the father-in-law of Judge Dillon. Mr. Price was, it is stated, very early in the history of the road made a commissioner by his son-in-law to examine and report on the road, so that when, at the end of all the tedious and harassing litigation looking to a foreclosure, the price of the securities being much impaired by it, he suddenly comes forward with an offer to buy the road at thirty-three cents on the dollar, the owners of the property may be pardoned a little surprise, if not indignation. Judge Dillon has always been supposed to be above suspicion, but the law which he has furnished with regard to railroads has been sometimes very queer. In 1875 he rendered a decision in one of the Granger cases to the effect that railroads were public highways, whose rates might be fixed in the discretion of the legislature, although, in 1869, when he was Chief-Justice of the State Supreme Court, he had decided them to be "mere private corporations," organized "solely to make money for their stockholders," the legislature having "no more power over their property or rights than it has over the property or rights of natural persons." We suggested at the time (*Nation*, June 17, 1875), that the explanation of this extraordinary judicial somersault which the uncharitable investor would be likely to offer, would be that in 1869 the Iowa farmers were engaged in an attempt to repudiate town and county railroad-aid bonds, and that the judge was then ready to help them by taking one view of railroad property; that in 1875 they were engaged in another attempt, equally dishonest, to force the railroads to carry their crops at non-paying rates, and the judge was equally ready to help them with a

new theory directly opposed to the first. The inference which he would draw from the present charges would be much more grave, and it is very unfortunate, not merely for the reputation of Judge Dillon but for that of the country, that they should be allowed to float about through the press without being investigated by a proper tribunal. We understand that the representatives of the bondholders have taken legal advice on the subject of having Judge Dillon impeached at the next session of the Senate. We take it for granted that his appointment to the Supreme Bench is out of the question until the charges are disposed of.

The conflict with the Nez-Perçés has continued during the week, but with only additional losses to our troops and suffering on the part of settlers. The Cottonwood and the Camas prairie have again been the scene of fighting on the 3d, 4th, and 5th instant. On the 3d, Lieut. Rains, with twelve men of Col. Whipple's command (which had just engaged the Looking Glass band on the Clearwater), while reconnoitring, were cut off and all killed; and on the 5th a party of seventeen volunteers from Mount Idaho, in endeavoring to reach the entrenched camp of Col. Perry and Col. Whipple, was obliged, in plain sight of the camp, to break through a line of Indians about one hundred and fifty strong, with the loss of two killed and three wounded, and even then their rescue was with difficulty effected, and no pursuit of the Indians could be thought of. Chief Joseph seems to have given Gen. Howard the slip, crossed the Salmon at its mouth, turned the right flank of his pursuers, and taken the trail for the Bitter Root. Whether he participated in the attacks on Whipple and Perry is not clear, but it is certain that our forces are too weak as yet to contend with such an adversary.

The most important event of the week in the financial markets was the issue by the U. S. Treasury of a call for the redemption of \$10,000,000 of 5-20 6 per cent bonds, made after the popular subscriptions for the new 4 per cent bonds had amounted to \$10,000,000. Since then these subscriptions have exceeded \$6,000,000 additional, and the calculation is that before the 16th instant, when the books close, the total subscriptions will amount to fully \$25,000,000, or the sum which the new Syndicate took "firm." Several large lots of the 4 per cents have been taken by banks and trust companies, since the length of the loan (forty years) is particularly attractive to such institutions. At the Stock Exchange there has been a general advance in the shares which are most speculated in. Notwithstanding the fact that the reports concerning the Western crops are as a whole good—corn only being unpromising—and that good crops mean a large business for the railroads, the rise in prices was mainly due to purely speculative considerations, the chief of which was that there were a week ago more contracts to deliver stocks than could be filled simultaneously without putting up the market. The outside moneyed public never had less interest in shares than at present. In the coal trade, while there is no decided change, there is a more hopeful feeling, the financial difficulties of the Reading having been postponed for five years and the other companies having made such arrangements as will relieve them. The money market continues extremely easy and the surplus reserve of the New York banks is about \$21,000,000; the market has not yet begun to feel the effect of the \$15,000,000 contraction already provided for up to the first of September. At the close of the week the paper dollar was worth 94½ cents gold; the silver dollar of 412½ grains would have been worth 91½ cents.

It is certain that the Russians have met with serious reverses in Asia. The process of enclosing Mukhtar Pasha by the extension of the two wings appears to have been going on slowly, but quite successfully, since the defeat of Mehemet Pasha at Delibaba, when General Loris Melikoff, who was in command of the centre marching from Kars by Kagisman, came in contact with Mukhtar himself in a strongly-fortified mountain position at Zevin, not far from Erzerum, and tried to carry it by assault, and repeated his attempt, Russian fashion, with reckless sacrifice of life, and failed, and then found himself badly crippled, far from

home, and, what was worse, with his communication with his base at Bayazid cut off by a large force of Kurds, whom the Russians now say the Persians, in breach of their neutrality, allowed to get round on their rear, across the Persian line. He then began to retire along the Araxes Valley, expecting to fall in with General Tergukassoff, who was advancing on that line, and was to have joined him before Erzerum, but found that Tergukassoff had been having a fight of his own at Delibaba, and been likewise repulsed; so there was nothing for Melikoff but a general retreat on Kars, and as it was doubtless very precipitate, since supplies in that country are scanty, Mukhtar sallied out joyously, and began telegraphing all sorts of good news to Constantinople. Dervish Pasha has also had some success at Batum, as the Russian general is acknowledged at St. Petersburg to have "retired to a more advantageous position," and we know what that means. Tergukassoff, who had advanced from Bayazid, is reported to have gone back there to relieve the garrison from the Kurds, and there are rumors of a serious trouble with Persia, for allowing her territory to be violated, but the probabilities are that the Turks did not ask her permission. There is little doubt that the Russian fortunes in Asia will speedily be restored, as reinforcements are coming forward rapidly. But the difficulty of supplies in that region must by this time be enormous, and also that of carrying out delicately-adjusted combinations.

On the Danube the occupation of Tirnova, prematurely reported last week, actually took place on Sunday, July 8, Biela having been taken without opposition two days before. Since then the Russians have been feeling their way towards Plevna and Gabrova, on the west and south, and on the east have advanced as far as Monastir. On this side they are met by the Rustchuk-Shumla-Varna line of defence, which in its turn is menaced from behind by Gen. Zimmermann's force in the Dobrudsha. He is reported at Medjidie, threatening Kustendshe. Varna has been declared in a state of siege. The Turkish gunboats and monitors on the Danube continue to be utterly inefficient. Of the eighteen there at the outbreak of the war two have been sunk, while the rest are either water-bound or torpedo-bound, and must ultimately be destroyed or fall into the hands of the Russians. A monitor, engaged a few days since at the Sulina mouth in picking up torpedoes, got aground, and is now in the possession of the enemy.

In England the condition of unrest about the war seems to continue, but the reports of a division of sentiment in the Cabinet are positively denied. Everything is said to be ready for the despatch of a *corps d'armée* somewhere should the occasion call for it; but the opinion that any immediate interference will be called for declines as the military operations in Asia and on the Danube drag on without decisive result. Public attention has been somewhat turned away from the grave questions of war and peace by the rise of the very absorbing question of what constitutes legal indecency. Two social philosophers of the "advanced" school, Mrs. Besant and Mr. Bradlaugh, have been circulating a book written forty years ago by an American, Dr. Knowlton, intended to aid in restricting the growth of population by other means than the Malthusian "moral restraint," and have been prosecuted under the statute as vendors of an indecent publication. They defended themselves in person by arguments with which the world is familiar, were found guilty by the jury, after a three days' trial, of the indecent publication, but acquitted of evil intent, and the circulation of the book rose from 700 in a year to 100,000 in a few weeks, and the judge very properly denounced the prosecution as ill-advised. Another case of a similar character is now coming on, as the Society for the Suppression of Vice is about to prosecute the publishers, or rather circulators, of the pleasant little manual got up by the Ritualists—of which we spoke last week—for the guidance of Anglican "priests" in the work of confession, and the case will probably surpass in filthy interest any that has ever occurred since Queen Caroline's trial. With this to fill up the dull periods in the progress of the war, the British public may be considered well provided for in the way of entertainment for the next three or four months.

OUR NEW "HOSTILES."

THE Nez-Percés, who now claim attention as the periodical "hostile" among our red compatriots, belong to the family of the Sahaptins, whose habitat is between the Cascade and Bitter Root Mountains, on both sides of the middle and lower Columbia River and its tributaries, from the Des Chutes to the Salmon, being bounded on the north by the Selish family at about 47 degrees, and extending south, irregularly bounded by the Shoshonis, to the 45th parallel. A popular confusion exists between some of the Sahaptins and the Flathead division of the Selish group, but the several languages are quite distinct. Singularly enough, the Flatheads, so called, are without any apparent deformity of the head, while skull-flattening in infancy, which originated on the seaboard, is practised more or less among all the Sahaptin tribes. The latter, in bodily structure, but not in complexion, strongly resemble the Mongolian race, the face being markedly of that type, except that the eyes are not oblique. They are divided into Nez-Percés (Pierced-Noses), or Sahaptin proper, Umatilla, Wala-Wala, Palus, Yakama, Klikitat, and the Warm Spring Indians, who gained notoriety by their support of the United States troops in the Modoc war of 1873. The Yakamas and Klikitats, when first met by the Canadian voyageurs, pierced the septum of the nose to receive a white shell shaped like the fluke of an anchor, and their consequent sobriquet of Nez-Percés became improperly used for the Sahaptins proper, whose name, as they formed the most numerous division, was bestowed by later travellers upon the whole family. A double error in nomenclature has thus been perpetuated, as the Sahaptin tribe should not have been stigmatized with piercing their noses, and their distant cousins, with whom that habit still prevailed, had no claim to the name of the dominant, and in every way superior, tribe.

The Nez-Percés, whose title is established beyond correction, while fierce and haughty, are honest, just, and often charitable, being in many respects the most interesting of the Pacific tribes. Though their manner is often cold and reserved, they are eminently civil, and on occasion become social and even gay. Quick of temper and prone to resent any apparent fraud or injustice even more than a wanton injury, they are easily appeased, and, in general, more nearly approach the "noble savage" of romance than any of our aborigines who have been met with in real life by the present generation. They are well and strongly built, of a dark copper color, and the deformation of the head now only extends to a slight compression of the forehead, which almost entirely disappears in adults. Their reservation in Northwestern Idaho has given for several years past a census of about 1,400, but a still larger number have persistently refused to live on the reservation or to recognize the treaties made. The tract reserved contains about twelve hundred square miles, the greater part of which is unfit for agricultural purposes; but there is some good land along the Clearwater and Lapwai rivers and their tributaries, and the Kamia. The portion of the tribe there settled has of late been fairly successful in self-maintenance by farming and stock-raising, after abandoning their old resources in the hunt and fishery. The "non-treaties" roam on the Clearwater and its branches, and on the Snake about its forks; the Wallowa valley, however, being their favorite pasture-ground. They organize great hunting expeditions once or twice each year, and, as the buffalo is not now found west of the Rocky Mountains, are forced to cross the Bitter Root range to the plains between the Yellowstone and Missouri rivers, and so come in collision with several tribes of their hereditary foes. Regular fishing encampments are also formed between June and September on their home rivers, and the salmon then procured and dried, together with the jerked buffalo-meat brought from Montana, are laid up for their long winters, though their store is varied by a number of esculent roots, to collect which they also make systematic excursions. These foraging migrations fill up the whole of the working year not exclusively devoted to the care of stock, which is their main pride and wealth, for the herds of the independent bands are of a highly patriarchal character, and individuals not unfrequently own from one to three thousand horses.

The labor connected with these partly devolves upon a class of slaves, who are prisoners of war, and their descendants; and here we meet with a trait unusual among North American Indians, who, if they did not torture their captives to death, adopted them, and seldom made efforts to establish a body of helots for their service.

It is supposed that the war now commenced has been in a measure prompted by the machinations of Shumale, or "The Dreamer," an aged medicine-man of the Wala-Wala tribe, who has obtained some education in the Christian and Mormon tenets, and has mixed select portions of them with the native mythology in a style recalling the origin of Mohammedanism, and with no slight resemblance to that proselytizing faith in its spread of a political as well as religious union between numerous tribes before only slightly inter-connected. But, however the malign exertions of the latest false prophet may have operated to stimulate and perhaps consolidate a rising for independence among the Indians of Oregon and Idaho, the reasons for the discontent of the Nez-Percés have been wholly unrelated and antecedent to the new Pacific-coast gospel, and but furnish another instance of the criminal folly of our Government in dealing with the *imperium* which they have allowed to exist in *imperio*. Year after year since 1865 the local agents have formally reiterated warnings that the procrastination, inconsistency, and positive breach of faith in the execution and carrying out of the treaties made with the Nez-Percés could only culminate in an explosion such as a few weeks ago appeared to take all our authorities by surprise, as if the printed annual reports of the Commissioner of Indian Affairs for ten years past had never been read. We should remember that the Indians of this tribe have never been the occasion of any trouble except by their mere occupation of land coveted by the squatter, but which, according to our national theory, was their own until regularly purchased and ceded away. This territory was necessary to their existence until, abandoning the hunting and fishing and root-collecting above described, with all their ancient customs and traditions—in fact, changing their whole natures—they should settle on one spot as farmers. Before this summer it has been their well-founded boast that they had never killed a white man, notwithstanding many provocations; and the absence of passion, indeed of ordinary revengeful spirit, in their recent rising for independence, is shown by the fact that in most cases they spared the women and children of the whites attacked, sending them under charge of their own squaws to places of safety, whence they rejoined their friends. It is also asserted that they burned no house and needlessly destroyed no property, driving off, however, the stock, perhaps as "contraband of war." Possibly, therefore, the campaign on the Columbia may be conducted throughout in a more civilized style than its contemporary on the Danube. Not merely have these men now in armed revolt been passively peaceable and friendly ever since the Louisiana purchase of 1803 brought their territory into the United States, but they have been steadfast allies of our Government in troublous times. The Chief, Joseph Big-Thunder, in 1855, actively exerted himself not only to keep his own tribe from participating in the general hostilities in Oregon and Washington, but personally visited the Cayuses to induce their continuance in peace. Although the Yakamas, Klikitats, Umatillas, and Wala-Walas, their kinsmen, were all more or less actively hostile to the whites, the Nez-Percés through all the excitement remained staunch—indeed, protected our civil officers with guards and escorts.

When the treaty of June 9, 1863, was urged upon them, by far the larger part of the tribe submitted to "manifest destiny," though with obvious reluctance; but there was long delay in its ratification by the United States, and afterwards further disappointment about the payment of the annuities guaranteed. Worse still, no step was taken to survey and mark out the reservation, so as to prevent encroachment by the whites, who constantly squatted on the lands undoubtedly promised to the Indians in perpetuity. These squatters abused in every imaginable mode the Indians in their vicinity who had surrendered themselves to the protection of our Government, and rendered their lives burdensome, perhaps not being undesirous to provoke collisions which might secure the land "jumped." Thus

the "party of the second part" to a solemn treaty was required to settle with no locality fixed, and when the assistance necessary to an entire change of life—the whole consideration of the cession—was withheld. The result was that for years the few recalcitrant bands who, if left unsupported, would long since have been absorbed into the reservation, had any such been well defined and protected, could and did assert without successful contradiction that "the whites never meant to keep any of their promises." They accused the head chief recognized by the treaty, named Lawyer, of having sold out the tribe for his own special and extra annuity and other selfish advantages, his clients receiving nothing. From this evidence of skill it has been supposed that the chief derived his apparently professional title; but the conjecture, however natural, is not correct, inasmuch as he had received his name, perhaps from early pettifogging feats, before the treaty. About eight years ago a strong effort was made even by the Indians on the reservation to depose or disbar their Lawyer, but, probably from his white official support, it was unsuccessful. The obvious facts of broken faith, injustice, and fraud, however, relegated the majority into the nomadic non-treaty bands, leaving the less spirited or more credulous to scrape together their precarious existence within the vague bounds of the "reservation," which was finally surveyed in 1870, after an additional or supplemental treaty in 1868 had given increased occasion for misapprehension.

Chief Joseph, the general of the present insurrection (White Bird being its political head), has always insisted that the fertile valley of the Wallowa was not included in the land ceded; and representations often urged for its specific reservation (an exchange even being proposed as a last resort) have only resulted in further trespasses and outrages by squatters. The want of common sense and honesty, to say nothing of gratitude for tried and valuable fidelity, shown in the transactions of the general Government with these spirited though, in disposition, amazingly law-abiding Indians, has almost necessarily driven them into their present desperate outbreak, and if their resistance to our skeleton army in the Department of the Columbia shall even for a short time continue with the success of the action of June 17, there is every chance for their reinforcement, not only by many of their own Sahaptin kin, but by adventurers from the neighboring families of the Selish and Numa, who will drop old feuds to join the prophet's crusade against the common foe. As the wealthy and prudent Nez-Perces are said to have ample supplies of the best arms and ammunition, the prospect of at once suppressing what perhaps may amount to a costly rebellion, chargeable mainly to official malversation and neglect, is not very encouraging.

REPUBLICAN POLICY.

ROUGHLY speaking, every political party may be supposed to represent, at first, some needed measure of reform, for the triumph of which it must struggle hard; then comes a period of successful life, when the party is dominant and assumes, and is generally accorded in full measure, all the cardinal virtues. It is this period which is always provocative of farce in politics. A party can then afford to play pranks. The Republican party went through it during the earlier years of Grant's administration. It was then popularly regarded as the nation's benefactor, richly deserving all the honors it wore. It had overthrown slavery and, incidentally, preserved the nation. The greatness of the party and the nobility of its work and principles were constantly dwelt upon by its leaders, and its praises were complacently listened to by their followers. Under these circumstances, it became extremely tolerant of absurdities, and incorporated them with its own "principles" as readily as though they had always belonged to it. The pet hobbies of enthusiasts were indulgently accorded a hearing, and, if possible, put into the next State platform. Indeed, certain propositions, more or less extreme, came to be looked for as a matter of course at State conventions, and many persons who took no interest in them as hobbies were disappointed if they escaped recognition and mention. Woman-suffrage, for instance, always appeared in Massachusetts

and elsewhere; Prohibition was regularly admitted in several States; a sop was systematically thrown to labor-reformers in many places, and to the Grangers in others; the tariff was treated always with preposterous ceremony, and resolutions purposely written in see-saw phraseology and designed to tilt in either of two directions were always sonorously read forth; while thunders of applause greeted the declaration that never should a single cent be deducted from the gallant soldiers' pensions. The party in those days was prosperous, well-fed, and happy; in power, and backed up by an overwhelming majority. It could afford to be gracious and beneficent, and was not seriously called to account even when it ventured to wink at "Free Cuba," or to grin knowingly at the Fenian hod-carrier buying his ticket for Canada. There was a great deal of humbug in all this, although much of it may have been good-natured humbug.

But these prosperous times went by, and the party's *morale* went by with them, and, in part, because of them. The story of the party's decay is not a pleasant one, and need not be here repeated. It became, finally, only a few months ago, "sick unto death," and when it began to recover from the shock of its Returning Board performances it wore the aspect of one who, having expected death from delirium, returns to consciousness, much surprised at finding himself alive and with some prospect of complete recovery. For a few months past its general tone has been moral and healthful. Will it backslide? is now a life or death question for it to answer. One thing is certain: it cannot live any longer on its past reputation. Every issue of slavery and the war is gone, and the attempt to perpetuate them absurd. The work or business or mission of the party, as regards them all, is wholly ended. If we may be allowed to speak commercially here, we should say that the original funds held in trust by the Republican party, and which were invested in enterprises that once paid huge dividends, cannot now remain where they were first placed. Business in that direction is, from the nature of things, exhausted. The funds must now be transferred, if possible, to some other enterprise. What is to be avoided while making the transfer is sham security and "wild-cat" enterprises. Even the farcical performances we have referred to must now be stopped, for a man or a party in robust health may indulge in extravagances of action which would be fatal to a convalescent.

Fortunately, Mr. Hayes, whether by inherent virtue or by virtue of circumstances, or by a combination of both—we need not here attempt to decide the point—has indicated the precise and only safe course for the party to pursue. He has proposed new principles and measures for party advocacy. We regard the Administration as fully committed, for instance, to the doctrine of the payment of Government bonds in gold; to the early resumption of specie payments; to a decided change in the character of the civil service, and, possibly, to some other important measures. The real questions at issue, therefore, in national politics now are, Shall we retain the Jackson-Grant civil service, or substitute that which has been described, if not yet organized, by Mr. Hayes? Shall we deal honestly with the nation's creditors? Shall we continue the preparatory work of resumption? etc. Before, however, the party, as a party, will follow with any enthusiasm the leadership of the Administration and become the earnest defender of these measures, it would seem, from numerous recent indications—the Iowa Convention, the vote of the New Hampshire legislature, the Robeson "banquet," the Woodstock affair, the foreshadowings of some of the coming State conventions, etc.—that it is to pass through another disagreeable period of sham. Wherever the old "manipulators" can continue in or obtain control we may expect to witness the adoption of platforms filled with rhetoric about the South and the rights of the humblest citizen, with declarations resembling the first Iowa resolution that "the United States is a nation and not a league," and, if in the West, with eulogies of the silver dollar, without the advocacy of any definite or wholesome measure of national progress. There is to be a violent struggle made—to resume commercial phraseology—to prevent any change in the character of the investments of the party funds, however unpro-

fitably they may now be employed, unless, as Blaine seems to wish, they can be put into some kind of foreign or "fancy" stock, or, as the Northwest desires, they can be loaned to a gambler who is known to play with loaded dice.

Whether this period of sham is to be long or short, and what is to be the nature of its effect upon the party, are matters of immediate importance. We observe a disposition on the part of some Republican papers of influence to deal with the office-holders' and politicians' displays of opposition to Mr. Hayes and with Western finance absurdities as good-naturedly as they once dealt with Fenianism, or labor-reformers, or soldiers' bounties, or woman's rights; but, thus acting, we believe they mistake the present temper of the great mass of Republican voters as well as that of voters of more independent action. These shams are clearly recognized as such, and people are becoming impatient with regard to them. Throughout the East entirely, and far more throughout the West than some of the party leaders are disposed to admit, both the Southern and civil-service policies of Mr. Hayes are cordially approved by all that portion of the party whose opinions are worth considering—that is, by all those who have given serious attention to the subjects involved, and who understand, as the practical politician does not and cannot understand, the reasons why one course or measure is commendable while another is to be opposed, and, what is of importance also, by those who turn the scale at elections. If the party is to be set upon its feet again securely, therefore, its leaders must speak out frankly and boldly. They must encourage the President in his desired administrative reforms, and not hesitate, whatever States may be temporarily lost by it, to describe the silver craze as what it really is—a discreditable delusion, leading to mischief and dishonor, and not a great discovery or the froth of a noble sentiment, or even an easy method of paying old debts.

THE ASSEMBLY AND THE ARMY IN FRANCE.

THE most serious incident of the crisis through which France is now passing is unquestionably the passage in Marshal MacMahon's order of the day addressed to the troops after the recent review, in which he expresses his confidence that the army "will aid him to maintain respect for government and law, in fulfilment of the mission entrusted to him, and which he will discharge to the end." It is not surprising that it has excited a great sensation, and that the Bonapartists openly exult over it, as a sign that the parliamentary régime is practically at an end, and that France has once more passed under the rule of the bayonet. That the Marshal will attempt a *coup d'état*, under any circumstances now likely to arise, we do not believe, but his language is none the less likely to prove disheartening and disadvantageous to the Republicans, and this for two reasons. The most thoughtful Liberals, not Republicans only but Liberals of all shades, have always found, and still find, in the army their greatest cause of despondency as to the political future of France. It has been ever since the Revolution a question with them whether it would ever be possible for parliamentary institutions to take root in the soil as long as there existed an army of 400,000 men necessarily taught as its highest duty to obey implicitly the orders of some one man; and they have derived no comfort from its failure to resist a popular uprising in 1830 and in 1848. In 1830 the army was alienated from the Government by the overbearing manners and pretensions of the returned émigrés, and by the ill-concealed desire of the nobles to assume their old position in its ranks. In 1848 the king had neither the courage nor the energy to use it, as he might have used it. Louis Napoleon found no difficulty in making it the obedient instrument of his will, and employing it against every person and institution and law which interfered with his plans. The French army, too, is for parliamentary government the most dangerous army in Europe, for no other army is so completely exempt from the restraints of usage and tradition. There is nothing in the state which it has learned to respect, except discipline enforced by the commander-in-chief. Of the legislature it knows nothing, and cares for it but little, if at all. It has seen a dozen legislatures come

and go, apparently without injury to the state. The one thing that lasts through all French troubles, and which, when the worst comes to the worst, saves the country and represents it, is the military force. It accordingly not unnaturally seems to the French soldier the most stable thing in the state—nay, the very state itself. This is true in a minor degree of all the Continental armies. It is safe to say that in Prussia, or Austria, or Italy, or Spain, the legislature is at the mercy of the commander of the armed force, which would any day, at his order, turn it out of doors, and treat him as the government. Hence the enormous importance to the friends of parliamentary institutions on the Continent of having a man in the chief executive office who can be trusted to respect them, and hence the doubt by which the minds of even the most sanguine Continental Liberals are haunted, whether such institutions can ever be firmly established as long as they are dependent on the forbearance and attachment of any one person. In the countries in which they have succeeded either there is no army, or a small army, or the army has no traditions or experience raising it above the civil authority; and the officers think of the country as something apart from and more important than the army. In France the Marshal's appeal to the troops to aid him in "maintaining respect for government and law" is a kind of appeal with which, unhappily, French troops are only too familiar, and the last thing that will occur to them is that "government" means the institutions founded by the constitution, and that "law" is what we call the "law of the land"—that is, the rules of conduct prescribed by legislation interpreted by the courts. To the French soldier general orders are the one great source of law. The law they lay down is law which, unhappily, he has often been called on to administer, and does still administer. The mere suspicion, therefore, that the Marshal even thinks of falling back on this support of his authority is enough to send a tremor through the Liberal ranks.

Moreover, the effect on the voters of an intimation, however vague, that the chief of the state means to have his way, even if he uses the troops for the purpose, is likely to be bad. Apart from their deeply-rooted disposition to admire and invite personal government, and stand by the Administration, whatever it may be, their passion for a quiet life makes them always ready to back up the party which seems to have the power to maintain "order"—even naked, illegal order—and is ready to use it. The announcement, therefore, from Paris that the chief executive officer is ready to apply the strong hand to the work of government, and smash all who oppose him, creates of itself a powerful public opinion in his favor. Men rush to vote for him, as after the *coup d'état* in 1851, as the readiest way out of a period of distress, and difficulty, and business depression. It is disappointing, no doubt, to have the prospect of an orderly and constitutional republic disappear, but no kind of government ever set up is to an average Frenchman worth a prolonged struggle, threatening him with *émeutes*. He wants of all things a quiet life, and if there is a chance of a row he backs incontinently the stronger side, so as to have it over as soon as possible, and consoles himself for the political failure of his country by reflecting on her eminence in literature, the arts, and in war.

It is this state of things which gives so much pathetic interest to the struggle in which the Republicans are engaged, and especially the final debate in the Assembly prior to the dissolution. Of the character of that debate it would be impossible to give an idea to any one who had not read the verbatim report of the proceedings. The speeches of Jules Ferry, of Gambetta, and Léon Renault have certainly never been surpassed in the field of controversial eloquence, and it is also safe to say that never in the history of parliamentary government have orators had to face such an audience. The rules of the Assembly seem to have been framed on the theory of human nature that led to the production, in 1792, of a plan of suppressing riots, which consisted in the appearance on the scene of certain elderly men with scarfs, who were to request the rioters to desist and go home, and, if they refused, were, after full warning, to inflict the last and highest penalty by publicly pronouncing them "unworthy citizens." In the Assembly the only remedy for dis-

orderly conduct on the part of a member consists in calling him to order, and, in the last resort, in "censuring" him by a majority vote. But if he cares nothing for censure and despises the majority, the only protection the House has against him lies in adjournment. The President cannot, apparently, have his unruly body seized by the sergeant-at-arms and lodged in jail, like that of any other obstreperous ruffian. With this state of the rules of procedure, some idea may be formed of the consequence of a fierce quarrel with a minority who either distrust or detest parliamentary government altogether, and to whom all time passed in rational debate is time wasted, or who look on the majority of the House as traitors and conspirators whom it would be wise, if it were safe, to send to Cayenne, and who are now exultant over the fact that they have the material force on their side. This minority is made up of Legitimists and Bonapartists. The Legitimists, as a general rule, though poor parliamentarians and almost as ill-fitted to carry on a constitutional government as the College of Cardinals, are many of them sincerely religious, some highly cultivated, and all governed in a greater or less degree by the traditions of a refined society. The Bonapartists, on the other hand, contain a large element of what one must call pure blackguardism. Many of them are literally ruffians, whose politics consist simply in the admiration of brute force, and whose highest political ideal is a government carried on by a military "boss," with plenty of "public improvements," plenty of "good things" for the members of the ring, much barbaric splendor, and plenty of organized contempt for talkers, writers, and doctrinaires. To these men the Assembly is merely a place where they face enemies whom, if they had the power, they would imprison, and the debates are merely an opportunity for the manifestation of hatred and contempt.

Accordingly the Republican orators had not simply to face an audience in part hostile—against this the sympathy of the majority would have sufficiently armed them; they had to face what was literally a howling mob, which the police could not touch. Not one of them uttered over three consecutive sentences without interruption, and it was organized interruption, too, carried on in concert. Moreover, it was not the interruption of excited politicians, but the "chaff" and vituperation of angry scolds in a tenement-house row, and some of it childish and silly enough to have come from a drunken scold. The leader in it was, of course, Paul de Cassagnac, a man whose freedom and activity are a disgrace to French society, and they all, great and small, set the President at defiance and loaded the speaker with insults. It is certainly no exaggeration to say that mutinous convicts in a jail-yard could not have behaved worse under the reproofs of an obnoxious keeper, and it all took place under the eyes of the present ministers, and, it is fair to assume, with their approval. Not one word of remonstrance came from them—not one word of support for the President's authority; not a single expression of shame and sorrow over scenes which placed the parliament of a great nation on a level with a Congo powwow. Happily the Republican orators were equal to the occasion. They never lost their temper, or self-possession, or the thread of their discourse, and poured for about six hours on the heads of their adversaries a flood of exposition and argument and invective which has certainly never been equalled in French forensic annals, and of which any deliberative body in the world might well be proud.

TREATMENT OF HABITUAL CRIMINALS.

IT is just four years since the Legislature of this State passed an act to authorize summary convictions of "professional," or habitual, criminals. The act was passed with the approval of the press and public opinion. Within a month of its passage an order was issued from police headquarters to every police captain throughout this city to "instruct the members of his (your) command in the duties required of them under this act, and direct them to be vigilant and thorough in measures for enforcing the law in all its provisions." From that time to this the law has been a dead-letter. Occasionally a criminal is arrested under it, but for the end that it was intended to meet—the riddance of the city of the race of "professional" criminals, who live by systematic war upon society—it

may be said not to exist. From what is said with reference to it from time to time in the newspapers, the prevailing impression seems to be that the law is not enforced, first, because the police do not care to take the trouble to enforce it; second, because it is unconstitutional. Both these impressions are erroneous. The real secret of the difficulty is quite different, and, when known, furnishes a most curious commentary upon our administration of justice and upon the effect of such a suffrage as ours on the protection of property.

The principle on which laws subjecting habitual criminals, or persons living by crime, to exceptional surveillance and penalties are based is now admitted to be sound, not only by specialists who devote themselves to the reform of criminals, but by what we may call general legislative consent. This principle is that the presumption said to exist in all cases, that a man is innocent until he is proved to be guilty, cannot apply to cases in which he is known already to be habitually guilty. Without going into the technicalities of the law of evidence, it is enough to say that the presumption in favor of innocence, like most other legal presumptions, grows out of the facts. With the majority of people the facts are all one way; they do not commit crimes against the person or property. Hence there is some reason—how much we have no space here to enquire—for the stringent rule of the common law with regard to proof of guilt. But with habitual criminals the case is exactly reversed. Instead of being presumably innocent and exceptionally guilty, they are presumably engaged always in the commission, or in preparation for the commission, of crime. They are thieves, burglars, pickpockets, counterfeits, and forgers just as other people are lawyers, doctors, or ministers of the Gospel. It follows from this that legislation for the prevention of the crimes they live by must be based on the presumption of guilt. This has been recognized not only in England, but, as we have seen, by the Legislature of this State, and also for years by Pennsylvania. It is not with the principle, but with the application of it in practice, that we are concerned. We will, therefore, first take England, and, by comparing what has been done there with what has been done here, we may be able to get some idea of the reason why the law on our statute-book remains unenforced.

The first English act on the subject was passed in 1869, but this was repealed by another passed in 1871, which contains the provisions actually in force. The latter act provides for registers and photographs of all convicts of certain classes in the United Kingdom. With regard to these habitual criminals the law provides that "when any person is convicted on indictment of a crime [*crime* in this act meaning generally any felony], and a previous conviction of a crime is proved against him, he shall at any time within seven years immediately after the expiration of the sentence passed on him for the last of such crimes *be guilty of an offence against this act*, and be liable to imprisonment, with or without hard labor, for a term not exceeding one year, under the following circumstances, or any of them":

First, if, on being charged with "getting his livelihood by dishonest means," before a court of summary jurisdiction, "it appears to such court" that there are "reasonable grounds for believing that the person so charged is getting his livelihood by dishonest means."

Second, if, on being charged with any "offence" (this word includes misdemeanor), and on being required by the court to give his name or address, he "refuses so to do, or gives a false name or a false address."

Third, if found in any place, "whether public or private, under such circumstances as to satisfy the court before whom he is brought that he was about to commit" any offence, or was "waiting for an opportunity" to do so.

Fourth, if found in, upon, or about any dwelling-house, place of business, etc., "without being able to account to the satisfaction of the court before whom he is brought for his being found on such premises."

In case of any offence under the third head, he may be arrested without warrant by any constable, or, under the fourth, by the property owner or occupier, or his servants, or any one authorized by him.

By the same act, any one twice convicted of a crime, on indictment may, in addition to any other punishment, be placed, at the discretion of the court, under the supervision of the police for seven years or less, and every person so under supervision is required to *notify the police of his residence and all changes of residence from one police district to another*, and report, if a male, once a month personally or by letter. Any person so under supervision, failing to do this, is deemed *guilty of an offence against this act*, and is liable to hard labor for one year, unless he proves to the satisfaction of the court that he "did his best to act in conformity with the law."

It will be observed that the essential features of this legislation are:

1st, complete registration of criminals; 2d, a surveillance of all habitual criminals; 3d, the shifting of the burden of proof of innocence on to their shoulders. This act, so far as we have been able to discover, has met with no obstacle to its enforcement. The first register, or "Black Book," has just been issued from the press, and contains the most thorough compilation of the statistics of crime that has ever been made public. The criminals whose careers are recorded in it are marked men wherever the jurisdiction of the English Government extends. They have now the choice of abandoning their criminal occupations and selecting honest means of livelihood, or of living in constant danger of an arrest, which will be tantamount to a conviction. As soon as the law has been working a few years, the chances are that the constantly-increasing risks of criminal pursuits will thin out the ranks of the burglars, thieves, and pick-pockets, and make the crowded cities of England the places of all others where property is least exposed to danger. The law, if we may judge by the total absence in the reports of any points under it taken up for adjudication to the higher courts, has proved simple and easily enforceable.

Now let us turn to the method of dealing with the subject in this State. There were, at the time of the passage of the act of 1873 before referred to, two statutes in existence on the subject: one the English, and the other an act passed by the Pennsylvania Legislature eleven years before. To appreciate the manner in which our legislators went to work, it is important to compare the two. The Pennsylvania act provides for the arrest of any person charged before a magistrate with being a professional thief, burglar, etc.; and if found frequenting any public place, and proved to the satisfaction of the magistrate to have been there for "an unlawful purpose," for his imprisonment at hard labor for a time not longer than three months. The magistrate may, however, instead of this take security for good behavior. There is also a general right of appeal by way of *habeas corpus* to another court.

It will be seen at a glance that here there is no registration of criminals, no surveillance; and besides these serious defects, instead of making habitual crime create a presumption of guilt, it makes it create a presumption of innocence, and requires proof of an "unlawful purpose," when the very theory of this sort of legislation is that this proof is supplied by the known occupation of the criminal. Under these circumstances, with both laws before them, and full opportunity of comparison, what did the New York Legislature do? Follow the English act? Supply the defects of the Pennsylvania act? Nothing of the sort. They copied the Pennsylvania act. This is the result of their deliberations:

"The People of the State of New York, represented in Senate and Assembly, do enact as follows:

"SECTION 1. If any person shall be charged on oath or affirmation before any police magistrate, or justice of the peace, in this State with being a professional thief, burglar, pickpocket, counterfeiter, or forger, or shall have been arrested by the police authorities at any steamboat landing, railroad depot, church, banking institution, broker's office, place of public amusement, auction-room, store, auction sale in private residences, passenger-car, hotel or restaurant, or at any other gathering of people, whether few or many, and if it shall be proven to the satisfaction of any such magistrate or justice of the peace, by sufficient testimony, that he or she was frequenting or attending such place or places for an unlawful purpose, and that he or she has at some time been convicted of any of the crimes herein named, he or she shall be deemed a disorderly person, and upon conviction after trial shall be committed by the said magistrate or justice of the peace to the penitentiary, in counties where there is a penitentiary, for a term not exceeding one hundred days, there to be kept at hard labor, and in counties where there is no penitentiary, or where no contract exists with any authorities of any penitentiary in the State, then to the county jail of said county, for a term not exceeding one hundred days, or, in the discretion of any such police-magistrate or justice of the peace, he or she shall be required to enter security for his or her good behavior for a period not exceeding one year.

"SECT. 2. Any person who may or shall feel aggrieved at any such act, judgment, or determination of any such police magistrate, or justice of the peace, pursuant to the provision of this act, may apply to any judge or justice of any court having the power to issue a writ of *habeas corpus* for the issuance of said writ, and upon return thereof there shall be a rehearing of the evidence, and the judge or justice may either discharge, modify, or confirm the commitment.

"SECT. 3. This act shall take effect immediately."

There is one substantial difference, however, between this and the Pennsylvania act. The deliberations of the New York legislators induced them to put one more difficulty in the way of society by requiring proof not only of an unlawful purpose, but of a previous conviction. With registration this would be simple enough; without it, practically impossible.

We are now in a position to appreciate fully the value of our act. It will be seen that the person arrested under it must be charged, first, with being "a professional thief, burglar, pickpocket, counterfeiter,

or forger"; and second, with having been "at some time convicted" of one of the crimes named; third, with having been *at the place*, when arrested, "for an unlawful purpose." It may be assumed that if a prisoner were properly defended, the first point could not be established by proof: no statute, no decisions, no common law defines what constitutes a professional thief. The second must be proved by a record of conviction, with proof of identity of the party, which is, as we have just said, almost impossible in the absence of a general registration. The police, at one time, had a case in which they produced a record of conviction and proved identity, but as it appeared that the accused was convicted on his pleading guilty, the court discharged him. The third point cannot be proved except by proof of acts which are of themselves criminal. Criminal intent is no crime if not connected with acts.

The sum and substance of the whole matter is, therefore, that, having before them a very thorough remedy and a very inadequate one, the Legislature deliberately selected the latter, and in enacting it into a law incorporated into it an amendment which killed it altogether. It remains to be asked how such extraordinary legislation was brought about. It is here, however, that we are brought to a stand-still. One person will tell you that the Legislature is a body which never knows what it is about. Another will assure you that it was afraid of doing something unconstitutional. But if you enquire of the persons best qualified by experience to express an opinion, they will give you a very singular answer: that the reason the act was passed in its present form is that it was passed by the criminals themselves. That is to say, the whole tribe of pick-pockets, thieves, burglars, and other habitual criminals, finding their means of livelihood threatened, combined or "organized"—just as the bankers or brokers or railroad men do for the protection of their interests—retained counsel, hired a lobby, and succeeded in getting passed a meaningless law. Proof of this is difficult or impossible; but the fact remains that the fruit of fifteen years' study of the modern subject of Habitual Crime in New York is a statute which is a dead-letter, and (as the rest of the world grows more and more rigid and more difficult for criminals to live in) the development in our chief commercial capital of a sort of thieves' paradise.

Notes.

THE American News Co. have brought out a fresh edition of the 'New Gospel of Peace,' still anonymous as to the title-page, and containing Mr. Grant White's red-herring letter of July 30, 1866, deprecating the attempt in some quarters to make him out the author of the book. The publishers in their present circular state that they are permitted to disclose what has so long been no secret. This clever satire will always have its place in the political history of our Civil War, but we doubt if it can be made to do double duty in exciting feeling against Mr. Hayes's Southern "policy"—the presumable motive for its reappearance now.—Mr. John Langdon Sibley, for so many years the devoted librarian of Harvard University, has been obliged to resign on account of failing eyesight. Mr. Justin Winsor, the efficient superintendent of the Boston Public Library, has been invited to become Mr. Sibley's successor, but Boston has made it for his interest to stay where he is.—Machinery Hall, at Fairmount Park, Philadelphia, has been allotted to Mr. Lee Crandall for a National Immigration Bureau, on a plan often contemplated for execution in Europe. All the States and Territories may exhibit free of charge the various evidences of their material resources, and of whatever else should attract immigrants. As a means of making Philadelphia the gateway of immigration the scheme recommends itself, and also as a means of guiding dissatisfied Pennsylvanians to other fields of settlement and adventure; in all other respects, Frankfort would seem a better place for the Bureau than Philadelphia.—Prof. Fitzedward Hall's new edition of Wilson's 'Translation of the Vishnu-Purāna' is now at last, after a regrettable interval of several years, completed by the addition of a volume of Index (London: Trübner)—an addition which, we may say, for the first time makes the book fit to use, since even the Indian scholar cannot be expected to do more than occasionally refer to a work of this character. The index gives evidence of great labor and thoroughness of preparation, and is followed by an appendix of fourteen pages on the errors of the original edition in regard to the treatment of the proper names with which the Purāna abounds.—The principle of Government endowment of scientific research, so long contended for in England, has at last been recognized, and about \$20,000 will be paid out during the present year, on the recommendation of the Royal Society, to

thirty-five persons more or less widely known as investigators and authorities. The sums allotted are partly for personal labor, and partly to defray the expense of apparatus, material, and assistance, and they range from \$250 to \$1,500.

—A number of recent Government publications lie upon our table. The fourth edition of Mr. Henry Gannett's 'Lists of Elevations,' principally west of the Mississippi River, is nearly double the size of the third, the chief labor having been expended in reconciling the profiles of various railroads, the results of which occupy the first fifty pages. This has had the effect of greatly enlarging the list of towns whose elevations are given in the following sixty pages. These lists, together with those of mountains (including the Appalachian system), passes, plateaus, timber-line, lakes, rivers, etc., make a collection of altitudes of unsurpassed fulness and of very obvious utility in industrial, military, sanitary, and other aspects. They will be employed by Mr. Gannett in the preparation of a complete hypsometrical map of the United States, of which a first essay accompanies the present edition; and Dr. Hayden announces that a corresponding relief-model will be undertaken shortly.—A *Bulletin* emanating from the same survey (vol. iii. No. 3) contains several articles of scientific importance, chiefly geological and palæontological. Mr. Barber's 'Comparative Vocabulary of Utah Dialects' will interest an increasing class of students of American languages. More to the taste of the general reader will be the unconventional 'Notes on the Ornithology of the Region about the Source of the Red River of Texas,' by Lieut. McCauley, with annotations by Dr. Coues. The author accompanied Lieut. Ruffner's exploring expedition last spring, and his observations are the first ever recorded from the district in question. "One day," as he relates, "during a halt, the column happened to stop within a few yards of a bird [the Southwestern Lark] upon her eggs, who, after flying to and fro in great solicitude, soon boldly approached and resumed her place upon her nest with full confidence. The escort was directed to change its course to prevent riding over her, she meanwhile remaining as quiet as if she knew we were friends." Of the familiar couple on the Plains—the prairie-dog and his feathered messmate—he says: "The owl was always apparently lost in thought, had nothing to do in particular, and more time at his disposal than anything else in the world, whilst the dog was always busy and without a moment to spare." Lieut. McCauley tells a good story, at second hand, of a fish-hawk on the Chesapeake whom an eagle had despoiled of its well-earned prey. To break up so vicious a habit, the hawk was observed next day to rise as if with a fish in its mouth, and to be attacked by the eagle, who dextrously caught the dropped prize but quickly let it fall to the ground. It turned out to be a piece of dried manure.—The second *Bulletin* of the United States Entomological Commission treats of the natural history of the Rocky Mountain locust, and of the habits of its young (unfledged). Numerous wood-cuts show the whole process of transformation, and a map of the United States is shaded to represent the area overrun last year. The eastern limit was Houston at the extreme south, and St. Paul at the extreme north.—Major Comstock's latest (the sixth) report on Captain Eads's improvement of the South Pass of the Mississippi River shows the condition of the works on March 16. Like his previous reports it conveys doubts as to the stability of the jetties—a point certainly of as much consequence as the temporary depth of channel. The mattresses at the ends of the jetties sink into the mud or are destroyed by the sea, and may have to be indefinitely reinforced. The teredo, according to Major Comstock, attacks not only the piles but also the willow brush of which the mattresses are made. No information is given in this report concerning soundings to determine whether there is a reformation of the bar. Captain Eads's report a fortnight ago to the company which he represents says explicitly that the Gulf current athwart the jetties "effectually prevents" such reformation and extension.—Of several other publications, namely, (in Dr. Hayden's Survey) Surgeon W. Matthews's 'Ethnography and Philology of the Hidatsa Indians,' and Lt.-Col. Garriek Mallery's 'Calendar of the Dakota Nation,' and (in Clarence King's Survey) vol. vi., 'Microscopical Petrography,' by Ferdinand Zirkel, we hope to speak more particularly hereafter.

—A paper on "The Feasibility of a Code of International Law," by the late Prof. Emory Washburn, is printed in the July-August number of the *International Review*, but a careful perusal of it has not convinced us that the hour of the adoption of such a code is near, or that we are likely to witness the fulfilment of its chief purpose—the cessation of war. The weak place in nearly all writings on this subject is in the consideration of a proper sanction for an international code, admitting the possibility of its adoption. War only could compel

at present the carrying out of its provisions, and we are thus driven to the absurd conclusion that war is necessary to do away with war. Nevertheless, the believers in a coming international code may justly derive some encouragement from the fact that the movement toward it is one "to which centuries have given an impulse"; from the cessation of feuds and duels; from increasing commercial relations which make wars daily more difficult and more costly; and from the fact that "the making and carrying on of war is passing out of the hands of the crowned heads into those of the money kings of Europe." The second part of Mr. Walker's article on "The Philadelphia Exhibition," in the same number of the *Review*, if necessarily less interesting than the first part, is valuable as the judgment of a competent observer upon the relative merits of the exhibitions of different nations. Free-traders and Protectionists should note the fact that among hindrances to a perfect display of the best products of all countries Prof. Walker puts prominently our high tariff, which kept out nearly all woollen and worsted goods, the carpets of England, and French and German silks. Our own display was deficient in wool, "forestal products," and staple machinery. There was, for instance, no full set of cotton or of boot and shoe machinery. A long review of Fromentin's 'Les Maitres d'Autrefois: Belgique, Hollande,' by Mr. P. G. Hamerton, is one of the lighter articles of this number. We are glad to call attention to some signs of improvement in the editorial work of the *International*. The absurd department of "Contemporary Events" has been merged with "Contemporary Art and Literature," and the book notices, which do not pretend to rise to the level of reviews, are greatly increased in quantity and corresponding usefulness.

—The eighth annual report of the Massachusetts State Board of Health has, like its predecessors, a value by no means confined to the State limits, even when the topic discussed is a local one. For instance, in the present volume, Dr. Pinkham's survey of the sanitary condition of Lynn is a model of what every considerable town and city should undertake; and Dr. Folsom's paper on the registration of deaths and diseases, though based on replies to a circular addressed to the regular correspondents of the Board and the town clerks in Massachusetts, and designed to expose the unsatisfactory practice in that State, clearly points the way to an efficient system for any other State that desires to have one. Finally, Dr. Henry P. Bowditch's conclusions as to the growth of children, while absolutely trustworthy for the district to which his observations were confined, are probably applicable to a much wider area, and challenge similar observations in other sections of the country. The correspondence concerning registration shows the physicians of Massachusetts to be singularly neglectful of duties not imposed by the statute, but imposed, one would think, by an enlightened idea of the scope of their profession. One of the Board's medical correspondents writes: "I brought up the subject in our local society, but I did not succeed in getting the members interested apparently; nobody, with one, perhaps two exceptions, seemed to care anything about it." This apathy is abundantly confirmed by other evidence, and we can but think it the result of a grave defect in the medical education of the present day. The importance of vital statistics, and the duty of the physician (in his own behalf not less than in society's) to promote the fullness and the accuracy of them, should be taught as of course in all the medical schools. Meantime, individual physicians, intelligent and public-spirited, can do much, especially where, as in Massachusetts, the State gratuitously furnishes the needed blanks. Dr. Bowditch's deductions have been made from some 24,500 subjects in the public and private schools in Boston, and are as follows: that, up to the age of eleven or twelve, boys (of several races) are taller and heavier than girls, while for the next two or three years the tables are turned, the girls nearly completing their full growth, and after that the boys regain the ascendancy; that at heights below 58 inches boys are heavier than girls in proportion to their stature, while at heights above the reverse is the case; that the children of American-born parents are taller and heavier than the children of foreign-born parents; that the pupils of American parentage, of certain private schools, surpass in these particulars the public-school pupils, as well as English boys of about the same social grade. "It will thus be seen," says Dr. Bowditch, "that the theory of the gradual physical degeneration of the Anglo-Saxon race in America derives no support from this investigation"; and he adds in a foot-note, on the authority of a lady of his acquaintance, that "London dealers in ready-made children's clothing recommend to American customers sizes adapted to English children one year older than those for whom the garments are purchased." A number of interesting enquiries are suggested by these researches, as, for example, the bearing of the rates of growth on the question of co-education, which Dr. Bowditch inclines to think advisable only "during the earlier years of

life, in which rates of growth are practically the same—i. e., up to ten or eleven years of age." His paper is liberally illustrated with tables and graphic plates, and the whole report is, as usual, rich in maps and diagrams.

—We have spoken elsewhere of some of the characteristics of the Nez-Perés. Among other peculiar customs which have been discovered in this tribe is an unwritten law of high solemnity forbidding a man to marry for one year after the death of his wife; but polygamy, though becoming rare, is allowable, so that if the husband about to be bereaved is not already provided with a residual spouse (or spare-rib), in order to prevent loneliness during his impending affliction he ingeniously evades the constitutional prohibition by marrying a new squaw just before his moribund partner expires, which in case of her sudden accidental death of course requires much expedition. This arrangement has also a practical advantage in allowing the "thrill" ironically commended by Hamlet, as the "funeral baked meats" can be relied upon to "furnish forth the marriage tables." The religious ceremony of overcoming "Mawish," or the "Spirit of Fatigue," is also noteworthy. An ambitious warrior annually, from his eighteenth to his fortieth year, not only fasts for several days (from three to seven, varying with age and circumstance), but also thrusts willow twigs down the throat into the stomach to irritate it further, and keeps up a succession of hot and cold baths. The steam-bath is taken where wood and water are plenty, in a circular pit in the earth, three to eight feet deep, and fifteen feet in diameter, covered above ground by willow branches, overlaid with grass and earth, leaving a hole to admit the bather, which is closed on his entrance except an aperture just sufficient to admit the hot stones which are then thrown in. There he steams, singing, howling, and praying, until nature can bear no further suffocation, when he emerges to leap into a running stream. The object of this bath is not curative, as when it is employed by many other tribes, but, together with the fasting, is an example of superstition allying itself to the infant principles of dietetics and training after the manner of some disguised prescriptions in the Mosaic ceremonial code. Finally, we remark, as to the roots employed as food by the Nez-Perés, that the best known are the *camos*, a sweet, onion-like bulb, growing in moist prairies; the *couse*, found in rocky spots; and the bitter-root, which gives its name to the mountain range, and which, though disagreeable to the white guest, is much relished by the Indian palate.

—The Florence *Nazione* contains a lively account of the disadvantages under which the libraries in that city labor, which may be appreciated in several places in this country. Florence is very rich in manuscripts, rare or unique editions, books annotated in the margin by celebrated persons, incunabula, engravings, maps, valuable autographs, and the like, and numbers half a million volumes in its four principal libraries, the Nazionale, Riccardiana, Mediceo-Laurenziana, and Marucelliana. Nevertheless the city is not content. Scholars complain bitterly of the inconvenience of having to go to four different quarters of the town when they wish to consult several manuscripts of the same work, to compare different editions, note variations, and determine true readings. They allege the untrustworthiness of memory and the cost of copyists—an expense which they need not incur if the books were brought together in one place. Moreover, the libraries are overfull. The Biblioteca Nazionale, for instance, fills 64 rooms in three buildings never designed for library use, with stories of different heights, and connected by a labyrinth of corridors and staircases. And, as the utmost capacity of the bookcases was long since reached, the books, as in our own National Library, are piled on tables, chairs, benches, window-seats, mantel-pieces, and in the corners from floor to ceiling. The custodians keep the run of what they have, and its place, only by a succession of daily miracles, any one of which deserves a gratuity in this life and beatification after death. No one should be admitted to the service who cannot pass an examination in acrobatics. To stand upon the top of the ladders and extract from the tottering pile of literature a desired book without bringing the whole to the ground, must demand a security of equilibrium that is usually attained rather in the market-place than in the library. Surveillance becomes more and more difficult, and cataloguing out of the question, for the writing-tables are all covered with books. Moreover, it is by no means impossible that the floors, never built to sustain such a weight of learning, will unanimously resign their positions some day and deposit the whole in the cellar. The chances of fire from the neighboring kitchens and a café opposite are common to all city libraries unprotected by shutters and stand-pipes. The obvious way out of all these troubles is consolidation of the four libraries, which has been effected, and a new

building. The latter, it appears, cannot be afforded; a palace, however, has been found, but is in possession of another department of government, which will not give it up. *Hinc ille lacrymæ.*

—Vittorio Imbriani, professor in the university at Naples, and well known as one of the editors of the 'Conti del Popolo Italiano' now in course of publication, has recently published two important contributions to Italian folk-lore. The first is entitled 'La Novellaja Fiorentina' (Leghorn, 1877), and is a second edition of the 'Novellaja Fiorentina' published in 1871, and now entirely out of print, and also of the 'Novellaja Milanese,' published in the *Propugnatore* at Bologna in 1872, and equally difficult to procure at present. The editor has added many heretofore inedited stories and largely increased the valuable notes accompanying them. Some idea may be formed of the extent of the work when we say that it fills 640 pages and contains fifty stories from Florence, illustrated by forty-two versions from Milan, and many other variants from other parts of Italy. Professor Imbriani's method of annotation is particularly valuable, and displays a vast amount of erudition. He traces his stories through Italian literature, and shows how largely the novelists of the XVth to XVIIth centuries drew on the people for their materials. The editor has not neglected the literatures of other countries, and is well acquainted with the labors of Köhler and Liebrecht in this field. A curious example of his wide range of reading is shown in a note to the novel of 'La Bella Giovanna,' in which occurs the joke about a person having one side of the face shaved. Imbriani remarks: "This joke has been told by several writers. Even the American Barnum, in his memoirs, relates it as having really happened." We regret that the editor feels obliged to add, "Even in their rudest jokes the Americans cannot be original," and quotes quite unnecessarily Victor Hugo's lines, "*nation du hasard*," etc. We presume that Mark Twain and Josh Billings are not much read in Naples.

—The same editor has published at the same time in Naples a collection of popular tales in the Neapolitan dialect, or rather in the dialect of Pomigliano d'Arco, a little town a few miles northeast of the city. The title is 'XII Conti pomiglianesi con varianti avellinesi, montellesi, bagnolesi, milanesi, toscane, leccesi, ecc.' (Naples, 1877). This collection contains some thirty-two stories and variants, besides a large amount of illustrative material, and displays equally with the first-named work the editor's great learning in this field. These volumes are not only indispensable to all scientific students of popular tales, but they afford the most valuable material for the study of the living dialects of Italy. We notice that the 'Pentamerone' of Basile and the 'Piacevoli Notti' of Straparola are so scarce even in Italy that Imbriani frequently gives long extracts from them in his notes. Why does not some Italian scholar give us good annotated editions of these folk-lore classics? No one is more competent than Imbriani as far as the Italian references are concerned.

—A second edition of Brehm's 'Thierleben' is an undertaking of as great magnitude as the bringing out of a cyclopædia, and is almost as notable and important. Fourteen years ago the director of the Berlin Aquarium—an extensive traveller and trained observer, the son of an eminent ornithologist—began the publication of the work now in process of publication for the second time. His aim was to prepare a natural history scientific in its arrangement and in its statement of facts, but popular in seeking to describe chiefly the modes of life of the animal creation. His success was unqualified, and any one who has read Mr. Darwin's 'Descent of Man' knows how frequently Brehm is cited as an authority in that work. The German naturalist, however, takes no part in the controversy as to the genesis of species, but offers material from which either side may derive arguments if it can. The new edition has profited by the extraordinary increase in our knowledge of animals which we owe to the stimulus given by Mr. Darwin's writings, as well as to recent explorations like Schweinfurth's, and expeditions like the *Challenger's*. In fact, it has been almost wholly re-written. The same is true of the illustrations, three-fifths of which are new, and all of which are of a high order, while some will probably never be surpassed as the combined product of draughtsman and wood-engraver. Some of the heads of apes in the first part of the work attain a seemingly more than photographic fidelity, for they serve to interpret as well as to represent the originals. Specimen numbers of the 'Thierleben,' which will be somewhat costly, but which will be a great treasure in any household, may be had of B. Westermann & Co. As the former edition was translated into many languages, we presume that an English version of the present one may be looked for, though we have seen no announcement to this effect.

—Von Reumont's 'History of Tuscany,' the first part of which ('Die Medici,' 1530-1737) we noticed in the *Nation*, No. 557, has recently been completed by a second volume, 'Geschichte Toscana's unter dem Hause Lothringen-Habsburg, 1737-1859' (Gotha: Perthes, 1877). The first volume ended with the death of John Gaston, the last of the Medici, in 1737; the second volume opens with the accession of the House of Lorraine, and continues the history of Tuscany down to its incorporation into the kingdom of Italy. The arrangement of this volume is the same as that of the first; in the *Beilagen* are given a chronological table, a bibliography of works relating to this period, and an excellent index to both volumes. Students of Italian history are to be congratulated upon at last having the history of Florence completed, for Von Reumont's work will serve as a continuation of those of Napier, Trollope, and Capponi. Although the history of Florence after the fall of the Commonwealth does not offer so attractive a field to the historian, yet it seems to us more important and more interesting than it is generally deemed. The loss of Florentine independence was the fault of the people, and how bitterly they were punished for their political sins can only be seen by a perusal of their history under the later Medici. In like manner, the tyranny of Cosimo, the first grand duke, is the legitimate consequence of what was practically the reign of Lorenzo the Magnificent. This later period of Florentine history is not a bit behind the earlier in tragic material, and the old traditions of art and learning were continued in no unworthy manner. In short, fully to appreciate the history of Florence, it must be known at least to the extinction of the Medici in 1737.

—In the year 1870 a convention at the old Hanse town of Stralsund, in commemoration of the five-hundredth anniversary of the treaty with Denmark which converted the Hanseatic League into a great maritime power, resolved to form a *Hansisches Geschichtsverein*, which was accordingly organized the next year at Lübeck. The *Recesses*, and other acts of the League, were already in course of publication by the Historical Commission of Munich; three volumes have been published, edited by Koppmann. The new association made it its work, therefore—first, to issue a periodical; second, to make a collection of documents illustrating the history of the League. The periodical—*Hansische Geschichtsblätter*—is edited by Koppmann, and contains intelligence and disconnected essays. The first volume of the *Hansisches Urkundenbuch*, edited by Hühnbach, is a quarto of 523 pages, containing documents illustrating the history of North-German commerce and the gradual formation of the League down to the close of the XIIIth century. The scope of the work is four-fold, embracing, first, the commercial relations of North Germany during this period; second, the relations of the North-German towns to one another; third, the separate confederacies which led the way to the great League; and, fourth, the development of the Lübeck system of commercial law, which was a chief factor in the formation of the Union, and with the triumph of which this volume ends.

—The eminent publicist, René de Mas Latrie, has published a thin volume of great interest in the history of international law—'Du Droit de Marque, ou Droit de Représailles au Moyen-Age' (Paris). The writer shows that while privateering is peculiar to modern times, the right of reprisal—the right of the injured party to seize his property or its equivalent—belongs especially to the Middle Ages; and he questions whether "letters of marque" are really an advance, in point of right, over "letters of reprisal." However that may be, he shows that the right, as exercised in the Middle Ages, was far from being irregular or violent; that it was placed under strict regulations, and carefully guarded from outrage. In short, the formalities employed—as illustrated by numerous examples and documents—indicate a much nearer approach to the rules of modern international law than we had supposed to exist. The author is inclined to decide that the right of reprisal did not exist in antiquity, while it fell into disuse in the XVIIIth century. We should have been glad, however, if he had discussed the relation of this right to that of distress, of which it would appear to be the international form; and the right of distress, as Sir Henry Maine has shown, did exist in Roman law.

—The *Athenæum* and the *Academy* have both contained, in recent numbers, some interesting facts concerning the books lately sent from Constantinople to Hungary, in recognition of the friendly spirit expressed by the Hungarians towards the Turks. These volumes are the remains of the "Bibliotheca Corvina," or library of the great and enlightened King Matthias Corvinus (1458-90). His large and valuable collection of books—mostly manuscripts—was scattered in the troublous times of the XVIth century and a good part of them carried off by the Turks after the battle of Mohács (1526). Its dispersal, Heeren says, was

probably "a greater calamity to literature than the burning of the Alexandrian library by order of Omar—supposing that to have occurred." The manuscripts now returned are forty-five in number, and are described as finely written and magnificent in binding, and in excellent condition. The list of titles contains many Greek and Latin writers and some moderns (as Dante); of the classics the particular works are not always mentioned, so that it is, we suppose, not impossible that some lost works may turn up among them. Of authors entirely lost we notice only Pompeius Trogus—a great acquisition, if only it does not prove to be Justin's abridgment.

WALLACE'S GEOGRAPHICAL DISTRIBUTION OF ANIMALS.*

I.

IT is Buffon who is to be credited with having first promulgated precise generalizations respecting the geographical distribution of animals. Buffon, in this respect, not only advanced much beyond his predecessors, but leaped at once to a position which some of the more pretentious naturalists of our own times have failed to attain. In brief, he recognized (1) that the inhabitants of the tropical and southern portions of the old and new worlds were entirely different from each other; (2) that those of the northern portions of the two were, to a considerable extent, identical; and (3) that the confluence of the two was most apparent towards the proximate portions of America and Asia. The truth that animals in fact had, for the most part, originated in the regions of the earth where they are now found, became incontrovertible; and geological research demonstrated that they were preceded by forms which were the ancestors of those now living on the soil. Numerous zoologists, from time to time, took up the problem of the distribution of animals as a special study. At length an English ornithologist, Mr. P. L. Selater, in 1857, published a memoir, to which adventitious circumstances gave considerable celebrity, and in which the formerly recognized regions were re-defined under new but by no means appropriate names. (1) The European region was christened Palaæctic; (2) the African or Ethiopian, the Western Palaetropical; (3) the Indian, the Middle Palaetropical; (4) the Australian, the Eastern Palaetropical; (5) the North American, the Nearctic; and (6) the tropical American, the Neotropical. These regions were contrasted, as implied in their nomenclature, under two prime categories—the Palaægean and Neogean, corresponding respectively with the old and new worlds of geographers. The limitations of the regions were, for the most part, judiciously adopted by the author from his predecessors, although without any acknowledgment and with a tacit assumption of originality. The major combinations, however, so far as animal geography was involved, were peculiar to Mr. Selater, and, for most classes of animals, were extremely unfortunate. It is but just to add that subsequently, when his attention had been re-directed to the subject by Prof. Huxley's writings, this objectionable feature of the classification was appreciated by the author himself, yet he has meanwhile been not without followers.

Mr. Selater's views call for mention here simply because they have been accepted and pushed into great prominence by Mr. Wallace in his recent work, and by several other naturalists, whose experience might have taught them better. Whatever is true in them had long before been apprehended, and what was new has been rejected by those best qualified to judge. The ignorance of the literature of zoological geography on the part of the gentlemen in question may perhaps account for the claims to originality which have been put forth and recognized in respect to the regions accepted. Mr. Wallace has long been known as an adventurous and scientific traveller in many regions, an excellent collector in several departments of natural history, but especially of birds, and, more than all, as one to whom Mr. Darwin himself accredits the discovery of the law of natural selection simultaneously with himself. He has published several notable volumes of travels and essays, and many articles in various periodicals, chiefly on birds and insects. He is also entitled to the honor of having first clearly defined the boundaries between the Australian and Indian realms, and recognized in the inconsiderable strait which intervenes between the islands of Lombok and Bali the true dividing line, very properly designated as Wallace's line or strait, separating the great regions indicated. His experience in the field thus qualified him for considering

* The Geographical Distribution of Animals. With a study of the relations of living and extinct faunas as elucidating the past changes of the earth's surface. By Alfred Russel Wallace, author of the 'Malay Archipelago,' etc. In two volumes. With maps and illustrations. New York: Harper & Brothers, publishers. 1876. (8vo, Vol. I., xxiii, 503 pp., 18 pl.; Vol. II., ix, 607 pp., 9 pl.)

and giving weight to a certain class of facts. His writings and his own admissions, however, prove that he was but little acquainted with the structure and classification of animals, and little imbued with taxonomic fact. Prepared as he was, nevertheless, he undertook the formidable task of a work upon 'The Geographical Distribution of Animals.' The title-page would naturally lead us to suppose he meant to consider the problems of zoölogical geography in general, but in the preface he states that it "is an attempt to collect and summarize the existing information on the distribution of land animals" (p. v.) When, however, we examine the contents of the two volumes in question we find that the work, in fact, is mostly devoted to the consideration of what the Germans would call "binnenländische Thiere," which is perfectly expressible by the scarcely-used English term "inland animals," with some references to the distribution of marine animals, although extremely meagre. Further, we find that even of the inland animals a very small proportion are considered, and indeed only the vertebrates and a few invertebrates are discussed. On a review of these discussions it becomes also very soon apparent that the author had an autoptical acquaintance only with the birds and several families of insects, and that his knowledge of the other forms was almost entirely derived from a few authors of more or less repute. Inasmuch as authors have greatly differed in their estimation of the values of groups and their mode of weighing differences in the several classes of the animal kingdom, we should naturally expect that under such circumstances there would be considerable incongruity in the basis of the work. Such, indeed, is the case to a greater extent than even might at first be looked for in the work of our author.

Mr. Wallace discusses his subject under four leading heads. In Part I. (vol. i. pp. 1-104) he treats of "the principles and general phenomena of distribution"; in Part II. (vol. i. pp. 105-170) of "the distribution of extinct animals"; in Part III. (vol. i. pp. 171-485, vol. ii. pp. 1-164) he enters upon the consideration of "zoölogical geography, a review of the chief forms of life in the several regions and sub-regions, with the indications they afford of geographical mutations"; and in Part IV. (vol. ii. pp. 165-553) he gives, under the caption of geographical zoölogy, "a systematic sketch of the chief families of land animals in their geographical relations." We need only consider a few of the questions involved.

Mr. Wallace very properly postulates (vol. i. p. 83) that "a little consideration will convince us that no enquiry into the causes and laws which determine the geographical distribution of animals or plants can lead to satisfactory results unless we have a tolerably accurate knowledge of the affinities of the several species, genera, and families to each other; in other words, we require a natural classification to work upon." In order, too, to compare things and conditions, it is necessary that they should be referred as nearly as possible to the same common standard. In all of these particulars we find a woful degree of imperfection and incongruity in the work of Mr. Wallace. In some respects he has carried differentiation into orders, families, and genera to an extreme degree, while in others he has accepted, as counterparts, groups whose representatives show the most fundamental differences among themselves. Thus, in the class of birds 10 orders and 131 families are admitted, and to such an extent is subdivision carried that not less than 50 families are named for the passerines and 8 for the parrots; although those groups are two of the most natural assemblages of the animal kingdom, and have been regarded by authors of the highest scientific ability (*e.g.*, Prof. Alphonse Milne-Edwards, Prof. Garrod, in 1874, and, apparently, Prof. Huxley), in one or both cases, as of simply family value. Again, the innocuous snakes are subdivided into 19 families, and the butterflies into 16.

In striking contrast with such families are many of those of fishes and mollusks. For the former the classification of Dr. Günther is adopted, and we find the heterogeneous groups designated under the names *Percidae*, *Triglidae*, *Trachinidae*, *Scombridae*, *Carangidae*, *Gobiidae*, *Pediculati*, *Blenniidae*, *Gadidae*, *Siluridae*, and a number of others, to be compared as natural families with those of birds. More incongruous and heterogeneous still are some combinations designated as families adopted from the earlier parts of Woodward's 'Manual of Mollusca.' Ignoring that author's own latest improvements, Mr. Wallace has reverted to his cruder first conceptions, and we find families too numerous to mention of the most unnatural description, and which could be accepted by no scientific malacologist of the present generation any more than they were retained by Woodward himself in his later writings. We are quite safe in asserting that under several of the families thus alluded to, or hinted at, the differences of structure exemplified are greater than those exhibited by the

extremes of living birds. When such is the case, it is evident that we can have no just or adequate idea of the comparative characteristics as to the zoölogical geography of the several classes considered in Mr. Wallace's work. In every class, not excepting the birds (*e.g.*, "orders" Picarie and Gallinae, "family" Pelicanidae), there is apparent a want of familiarity with the principles of taxonomy, and a great deficiency in classificatory ability. Even when the author has attempted to give the more recent views of systematic authors, he has sometimes signally failed—as, *e.g.*, when he would give the latest views of Dr. Günther respecting the primary classification of fishes (vol. i. p. 102), or the ideas of Pfeiffer and Von Martens on the Pulmonates (vol. i. p. 104). Mr. Wallace has evidently been influenced rather by the numbers of species than by morphological considerations in the application and assessment of classifications, and, it may be also added, by physiological rather than structural differences. The consequences of these sins are entailed upon every branch of his subject, and it must be always remembered that each class, and sometimes each order, has been considered from a different point of view in a systematic sense.

As already indicated, Mr. Wallace has, for the most part, followed Mr. Selater in the adoption of the number and names of the primary "regions" of the globe, but has subdivided those regions for himself, each into four sub-regions, thus (vol. i. pp. 81-82):

I. Palaearctic, with the sub-regions (1) North Europe, (2) Mediterranean or South Europe, (3) Siberia, and (4) Manchuria or Japan.

II. Ethiopian, with the sub-regions (1) East Africa, (2) West Africa, (3) South Africa, and (4) Madagascar.

III. Oriental, with the sub-regions (1) Hindostan or Central India, (2) Ceylon, (3) Indo-China or Himalayas, and (4) Indo-Malaya.

IV. Australian, with the sub-regions (1) Austro-Malaya, (2) Australia, (3) Polynesia, and (4) New Zealand.

V. Neotropical, with the sub-regions (1) Chili or S. Temp. Am., (2) Brazil, (3) Mexico or Trop. N. A., and (4) Antilles.

VI. Nearctic, with the sub-regions (1) California, (2) Rocky Mountains, (3) Alleghanies or East United States, and (4) Canada.

Mr. Wallace's idea is that the primary regions of the globe should be few; that they should be as nearly as possible co-equal "with the great natural regions of the globe marked out by nature"; and that the regions should "represent as nearly as possible the main features of the distribution of existing animals, and not those of any or all past geological epochs." He carries out his idea so far as to give us a most Procrustean series of sub-regions. Here it can only be premised that many of these divisions, at least, will require to be re-examined and otherwise limited and contrasted.

There are several illusions which many naturalists seem to labor under and which are too often assumed or taken for granted; such as that there are certain very definite regions in which, severally, animals are segregated from all others; that those regions and their mutual relations are equally indicated by all classes of animals; and that the distribution of marine animals is collateral with that of inland forms. But little knowledge of facts and little reflection is necessary to render obvious the fallacy of these views.

The regions, or realms as some would call them, defined by Mr. Wallace have been just specified. Their bounds are in several instances disputable, and would be more or less modified by students of different classes, as Mr. Wallace, in fact, admits. The marches between contiguous regions in which species of the two commingle on common ground may be many hundreds of miles in width. In few cases, indeed, except when bordered by the wide ocean, are the exact limits of the regions defined, or, it may be added, will ever be definable. We should be amiss even if we looked to the highest mountains as invariable dividing lines. The Rocky Mountains, for example, do not at all trenchantly separate the "eastern" and "western" regions, as is alleged by Mr. Wallace (v. i. p. 6), but the plains west of the Mississippi form neutral ground intervening between the two. The differences between the Atlantic and Gulf slopes on the one hand and the Pacific and Rocky Mountain on the other are rather, at least to a considerable extent, attributable to the "mediterranean" seas which in tertiary times covered so great a portion of the present hydrographical basin of the "Mississippi" rivers. The new-made land was apparently mostly colonized from the eastern and northern regions, and the subsequent commingling of types, extensive as it has been, has still not obliterated the primeval diversity between the two, although this is now most distinctly exemplified by the fishes.

SELLAR'S VIRGIL.*

NOT a few will allow that their only real knowledge of Lucretius and Catullus—let alone the lesser poets, whom hardly any one pretends to know—dates from their reading of Professor Sellar's rich, thoughtful, and lively exposition in his work on the 'Poets of the Roman Republic.' The present work avowedly continues that, and is to be followed by one on 'Horace and the Elegiac Poets,' which we earnestly hope may be in two volumes. The Virgil before us is a complete work by itself. It is an excellent execution of an excellent design. It is not an edition—we have enough and too many editions of Virgil—but a descriptive monograph, of the character of Grote's 'Plato.' That admirable and now classical work was the first of a sort which can hardly be too much multiplied—books which not only add depth and unity to our actual or prospective study of the great classics, but present a picture of them, true, consistent, and lively, to such as do not expect to make any such study. Grote's 'Plato' was a treasure alike to students who meant to probe Plato to his depth, and to readers who were content to be told with the traditional homeliness of the late President Sparks, "Who Plato was; where he lived; what he wrote; something general"—in short, to have him a man, and not a name. Professor Sellar proves himself a worthy follower and rival of Grote.

His book has eleven chapters. The first is a general introduction, analyzing and explaining that hackneyed phrase "the Augustan age." The second discusses Virgil's place in Roman literature, in four sections—viz., his former undisputed pre-eminence as its greatest bard; the change in that estimate during the present century; his supreme importance as a representative writer; and his claim to rank among the great poets of the world. The third chapter discusses the life and personal characteristics of Virgil. The fourth is occupied with the Eclogues, their dates, their relation to Greek pastorals, and their truth of feeling. The next three chapters are devoted to the Georgics, their structure and object, their relations to the great poem of Lucretius, and their strictly Italian character. The eighth chapter is on the pre-Virgilian Roman epic, and the three remaining analyze the 'Æneid' in its form and style, its importance as a national work, and its value as an epic of human life.

We have said the book is not an edition. There is no textual criticism, and, indeed, no repetition of Virgil's language at all except to illustrate and confirm the text. Still less is it part of the author's plan to translate Virgil. His book affords no countenance to that theory (literally *preposterous*, for it elaborately and ostentatiously puts the cart before the horse) that we best find out what the Romans and Greeks said by means of a modern language. Nothing has done more harm to American learning, nothing has gone farther to prevent our graduates from reading Latin and Greek with facility, than this view, which, endorsed though it be by some distinguished names and some names distinguished chiefly for bold assertion, is after all a mere "pony" scholarship, and may well give the old lines a new interpretation of the fate of Salmeonius:

"Demens! qui nimbos et non imitabile fulmen
Ære, et cornipedum pulvis simularet equorum."

When Professor Sellar quotes he quotes Virgil's own words, and the familiar gems often startle us with the richness and brilliancy developed in his setting. Of course, in a work like this, much does not profess to be original, except as far as the form goes. There is, perhaps, nothing strictly new in the facts set forth as to Virgil's life and times, the sources from which he drew his materials, and the principles of art he followed—that is, in one part or another through the whole mass of Virgilian literature an omnivorous student may recognize the source of every one of Professor Sellar's statements and deductions. Indeed, to say anything very original now about Virgil one must be eccentric and rack him into meanings and phrases he never dreamt of. Of this there has been more than enough; but never were all the stores of Virgilian scholarship combined into such a rich whole, cast into such graceful shapes, and chased in such delicate workmanship as now. The result, profound in its learning, acute in its criticism, tender in its sympathy, is indeed Virgilian.

Professor Sellar has thoroughly seen and set forth the qualities that make Virgil what he is. First, his thorough Italian feeling; his deep and passionate love for

"Il bel paese che 'l mar circonda e l'Alpe."

In his most essentially Greek adaptations—his half-Sicilian shepherds, his half-Bæotian farmers, his Homeric heroes—still the "Magna parens fru-

gum, Saturnia tellus, magna virium," with all her beauty and all her strength, all her history and all her future, is present as the queen of his heart and theme of his song. He has understood Virgil's peculiar love of nature, and especially he has realized the full force of that wonderful personification of the earth which runs throughout the Georgics: first, the defiant enemy, then the rebellious subject, the crafty slave, and at last the righteous servant, the true friend of man. Nor has he, in connection with Virgil's descriptions of nature, outward or inward, failed to apprehend the sensitiveness (to use Conington's most appropriate word) of his language, the peculiar economy of expression, strictly analogous to that of Sophocles, whereby a passage, musical on a first reading, touching on a second, positively tingles with restrained sentiment when all its points and bearings are apprehended. He does justice to Virgil's appreciation of the great work of peace and prosperity which Rome owed to Augustus. He has none of Mommsen's immoral Caesarism; but he does catch thoroughly the yearning for peace that thrilled the heart of the pure scholar, the devout poet, "pius vates et Phœbo digna locutus," who saw the rough times grow mild after the hundred-years' civil war was ended. He has, finally, appreciated the strange kind of religion which Virgil felt as a moving force in his life. From the venerable but singularly dull and soulless formalities of Latium, from the borrowed graces of Greek mythology, from the boldest speculations of Epicurus and his predecessors, the reserved, sensitive, severest soul of the Celto-Italo-Rhætan had twined a singular thread of unvarying dependence on an ever-present deity to which there is no precise parallel in theological history, but which has proved a chord of harmony to many of the most devout souls since his time, notably his illustrious companion through the abodes of the dead. The fourth eclogue, the constant religious warnings of the Georgics, the whole theme of the 'Æneid,' are but reiterations of the refrain, "Deus, deus ille, Menalea."

On the much-vexed question whether Virgil has a right to be considered an original poet, he shows conclusively that Latin originality is in its essence different from that of Greece or of the modern nations; and that Virgil did originate a new type of epic poetry as truly as Rome originated a new imperial polity. He also perceives, but hardly brings the point out strong enough, that the kind of originality which a modern dramatist or novelist would aim at in dealing with the heroes of tradition—such designs of epic creation as Tennyson shows in the 'Idyls of the King'—would have been thought positively impious in Sophocles or Virgil; as impious as if Milton had altered the Bible statements in his epics and his tragedy. It was a new setting of the old sacred jewels, a new telling of the old inspired story, that an ancient audience sought for.*

Prof. Sellar handsomely vindicates Virgil from the charge of a failure to give human interest to his epic, though he grants his inferiority to Homer in the discriminating presentment of individual character. We hardly think he does justice to Virgil's peculiar excellence as the poet of gallant, high-spirited youth. Ascanius, Pallas, Nisus, Euryalus, and Lausus are pictures full of meaning to every one who has been honored with the confidence and regard of a candid and generous boy. Still less has he caught in its full ethical significance the royal character of Virgil's hero—the hero of moral duty, whose heart lies in the ashes of Troy. All earthly passion is henceforth dead for him; he lives for heaven and his scattered nation alone. Tempted by malign influences to one instant of sin, he breaks away the moment the voice of heaven arouses him. "Italian non sponte sequor" is his all-sufficient answer to Dido; "Sequitur te, sancte deorum, quisquis es," his unalterable motive.

We close this article with reluctance, recommending most cordially this elegant and solid monument of well-directed scholarship.

Charlotte Brontë. A Monograph. By T. Wemyss Reid. With illustrations. (New York: Scribner, Armstrong & Co.)—Biographies may be regarded as a sort of intermittent disease, recurring at intervals of from ten to twenty years, according to the condition of the public pulse in regard to any noted person. It is a tribute to the permanent interest in Charlotte Brontë that a new memoir of her should be published so soon, for there is really no reason, except the flight of time, to justify it. Twenty years have added a few new letters to the present biographer's store; and the same lapse of time has closed the doors of Haworth Parsonage upon the last of the Brontës. So there are a few new things to be said, but they are of no great importance. Mrs. Gaskell's delineation

* The Roman Poets of the Augustan Age. By W. Y. Sellar, M.A., Professor of Humanity in the University of Edinburgh, and formerly Fellow of Oriel College, Oxford. Virgil. London and New York: Macmillan & Co. 1877. 8vo, pp. xx, 413.

* Our author repeats the charge of Lewes and Gladstone that Virgil has degraded the character of Homer's Ulysses and Helen. None of them seems to remember that he writes from the Trojan point of view: of course, they are hateful and contemptible to him.

of the gifted race will remain the permanent picture. Mr. Reid himself calls it "one of the most fascinating and artistic biographies in the English language"; and though this frank recognition may somewhat disarm criticism on his own work, it makes the need of that work still more questionable. He does his best to emphasize the slight shades of difference between his own portraiture and Mrs. Gaskell's; he tries to show that Charlotte Brontë was a little less influenced by her brother's fall, and a little more by her own Continental experiences, than had before been supposed. Yet, after all, the point is of slight importance; Mrs. Gaskell had already recognized both factors, and a slight variation in the proportions is of no great matter. Even the letters from Miss Brontë to her life-long friend, Miss Nussey—letters which constitute Mr. Reid's chief additional matter—had been previously used by Mrs. Gaskell; and their best passages had been extracted by her, though doubtless many which she did not cite are quite worth giving.

The part of the book which we should call most valuable is the delineation of her married life, a picture which, though slight, is more ample than that of Mrs. Gaskell. It certainly seems a strange prolongation of the shadow which always hung over everything pertaining to Charlotte Brontë, that she should have married a man with an absolute distaste for the intellectual pursuits which had made her famous. She tries to make the best of it; says in one letter: "I believe it is not bad for me that his bent should be so wholly towards matters of real life and active usefulness—so little inclined to the literary and contemplative" (p. 177); but it is very plain that the result would have been, if she had lived, an absolute annihilation of her literary career. "He was resolute," says Mr. Reid, "in putting aside all thought of her literary achievements; his whole anxiety—an anxiety arising almost entirely from his desire for her happiness—was that she should cease entirely to be the author, and should become the busy, useful, contented wife of the village clergyman. It would be wrong to hide the fact that she was compelled to place a severe strain upon herself in order to comply with her husband's wishes; and once, as we have seen, her strength of self-repression gave way and she indulged in the forbidden luxury of work with the pen" (p. 186).

If Mr. Nicholls appears in a harder or more ungracious light, regarded as a husband, we must admit that in his fidelity to Mr. Brontë he proved to be all that the loving wife and daughter would have demanded. "During all these sad and lonely years, while the father of the Brontës waited for the summons which should call him once more into their company, Charlotte's husband lived with him, the patient companion of his hours of pain and weariness; the faithful guardian of that living legacy which had been bequeathed to him by the woman whom he loved. And by this self-sacrificing life he did greater honor to the memory of Charlotte Brontë than by the most tender and vivid appreciation of her intellectual greatness" (pp. 198-9).

Mr. Reid calls attention to the fact that, after Mr. Brontë's death, his son-in-law did not, as might have been hoped, succeed him. The living was transferred to another; Mr. Nicholls returned to Ireland, his early home, and there remains in the Haworth parsonage no living memorial of the strange career of the Brontës.

Last Essays on Church and Religion. By Matthew Arnold, formerly Professor of Poetry in the University of Oxford, and Fellow of Oriel College. (New York: Macmillan & Co. 1877. 12mo, pp. 228.)—"The present volume," says Arnold, "closes the series of my attempts to deal directly with questions concerning religion and the church," and the reader naturally pauses and looks critically back at what has been accomplished. Much notice has certainly been attracted, but has the much-talked-of "natural religion" at last been established on firm ground? Book in hand, the exquisite charm of the style prepossesses one strongly—its sweet refinement, its delicious grace, its limpid transparent flow, its individuality ever felt and never obtruded. England is not deficient to-day in eloquent prose-writers; and amongst them Arnold must be placed very high. He has not the many-colored splendor of Swinburne, but then the beauty of his words is never used to conceal the feebleness of his thoughts. He has not the massive dramatic force of Froude; still less the intensity of Harrison. But he has a sweet artistic reasonableness, an easy, agile refinement just verging on humor, that is quite his own. The prose of the poet, the historian, and the reformer constantly reflects the pursuit of each; but Arnold's speaks only of wide culture. It has so little that is professional about it that it seems the work of an artistic amateur. It might be written by a woman. It most reminds us

of Ruskin without his mannerisms, and the reader forgets to criticise under the sweet enchantment of the art.

Even the first essay, which in any other hands would drag a little—an historical parallel between St. Paul, Matthew Hale, and John Smith—is pleasant reading; though the attraction which Arnold finds in the Cambridge platonist is rather too subtle for general readers. The longest essay is on "Bishop Butler and the Zeit-Geist," a critical study of the great 'Analogy.' Arnold is never argumentative; he prefers to lead his readers to his standpoint and let them see things for themselves as he sees them. And in this essay, with scarcely an attempt at strict proof, he induces his readers to reject arguments which generation after generation has honored, by simply setting them plainly forth; and in this way the essay is remarkable as a tide-mark of advancing liberalism. The last two essays are on the Established Church and the Burials Bill—an unsuccessful attempt, our readers will remember, to allow Dissenters to bury their dead in the church-yards with their own rites; a privilege of no little importance in villages where there are no cemeteries, and where hitherto Dissenters have had either to bow to rites they did not believe in, or separate their dead from their forefathers. To this reform Arnold is opposed, and at first glance his conservative radicalism seems a curious and inconsistent position. No doubt this mixture of liberal intellectual instincts and conservative moral motives is common and growing commoner, but is it sound? He recognizes the success of liberal thought on the Continent in overthrowing beliefs that have always been considered a part of Christianity, and he does not doubt that in England, too, the "religious barriers of tradition and convention will finally give way, that a common European level of thought will establish itself and will spread to America also." To prevent this by appealing to natural religion, those instincts which he thinks the foundation of Judaism, of primitive Christianity, and of Protestantism alike, is Arnold's object. That religion is a simple thing, in his opinion. Good conduct, he says, is three-fourths of it, and the other fourth, we may add, is æsthetic culture. But moral principles are being questioned as well as creeds, and the questions are not much easier to answer. The solution Arnold finds in human solidarity. The motive to do right, he says, is the strongest of passions; it is the pursuit of happiness, the search for life. But it is the happiness of the solitary man, the life of the race, not the unit; and the test of right is the experience of the race. Every man has in him two selves, the narrow individual self, and the higher self which is one with the higher self of others, the race self; and it is the latter which conscience recognizes and duty cherishes. This is, of course, utilitarianism in its purest form; and it is curious to see how near in modern ethical science this solitary conscience approaches to the authority of the Catholic Church, which was inspired truth when it spoke the unanimous voice of the members of the body of Christ.

To Arnold the philosophy of the creeds is the merest metaphysical folly, and the profounder conceptions of philosophy pure jargon. His deity has not even personality. It can neither love nor will. It is a tendency towards righteousness, a symbol for the sum of all good things and good forces. This is not even Deism. It goes as far as our extremest radicals—nay farther, for they retain, as a vital part of their faith, the belief in personal communion with the Father, a belief which properly involves personality, and this Arnold rejects. Yet here, where he seems at the extremest verge of philosophical dissent, his artistic sensibilities are suddenly touched, and in these last essays he draws back into conservatism under the always convenient cover of natural religion. What! destroy the Established Church, that noble old society for practical goodness! Allow any but her ordained priests to perform her fine religious services; or allow the burial of a Dissenter in her churchyard under inharmonious Dissenting rites! Such suggestions arouse in Arnold all that refined scorn which his opponents find so galling. Yet his position is an anomalous one, after all, by any intellectual standard—a position only reached by one other, the great French positivist, with whom Arnold would so dislike to be coupled. These elaborate forms, these priests and rites in an empty temple, this state support of a church which has no head, a worship of an unrealizable abstraction, a religion without a God—nowhere but in the most extravagant utterances of Comte can it be paralleled. But there is this difference: Comte's Grand Être may be a return to the race-worship of the savage, but it is at least something we can love and adore; Matthew Arnold's tendency to righteousness has not even humanity.

Memoir of Lieut.-Col. Tench Tilghman, Secretary and Aid to Washington, together with an Appendix, containing Revolutionary journals and

letters hitherto unpublished. *Gloria Majorum, Lumen Posteris*. (Albany: Joel Munsell. 1876. 4to, pp. 176.)—This handsomely-printed volume is made up in nearly equal parts of a life of Col. Tilghman, by Dr. Samuel A. Harrison, of Talbot Co., Md., and his journals and correspondence; the latter being chiefly letters to his father, but containing also some interesting letters of Washington. Col. Tilghman's father, Mr. James Tilghman, of Philadelphia, was of Tory sympathies, and withdrew to Chestertown, Md., soon after the outbreak of the war, where he remained in quiet retirement the rest of his life. His son's letters relate mostly to personal experiences in the war, avoiding questions on which he was at variance with his father; sometimes, however, he briefly vindicates the cause of the colonies, or warmly eulogizes the commander-in-chief. On the whole, the most interesting part of the volume is the private journal kept by Col. Tilghman when acting as Secretary of the Commissioners appointed to negotiate a treaty with the Six Nations in 1775. It is rapid and informal, often graphic and instructive. For example (p. 82): "The Houses of these Gent are very good, but scarce any marks of improvement about them. From what I have yet seen of the province of N. York it is far behind any other of the Colonies in public spirit; her Roads are narrow, her Bridges loose logs dangerous to pass, and everything bears the Mark of the true situation of the Bulk of the People, A State of Tenancy."

Col. Tilghman died in 1786, much lamented, at the early age of forty-one; a letter from Gen. Washington, called out by this event (p. 119), is partly an expression of respect and sympathy and partly is directed against some calumny which had been started by a Capt. Asgill, in relation to his treatment while a prisoner.

Recollections of Samuel Breck, with passages from his Note-Books (1771-1862). Edited by H. E. Scudder. (Philadelphia: Porter & Coates. 1877. 12mo, pp. 316.)—Mr. Scudder is quite right in his estimate of the value and interest of Mr. Breck's "Recollections." It is one of those contemporary pictures which one is always glad to meet with, by whomsoever sketched; but Mr. Breck was not a commonplace man, and had no ordinary opportunities. He was rich and well connected, occupied a high social position, and had some political prominence; lived both in Boston and in Philadelphia, and travelled more than once in Europe; his reminiscences are of personages as far removed in every way from one another as Mirabeau and Marryat, including a large proportion of the most prominent public men of this country during the first half-century of the republic. On the whole, the most entertaining parts are the extracts from the note-books; these almost always have reference to prominent men, and are generally composed of brief, pointed anecdotes. The longest consecutive passage, if we are not mistaken, is the interesting account of

the Marquis de Valady (pp. 219-246), a Girondist, whose adventures in escaping from the terrors of the Revolution are described at some length. On page 248 is a story of Joseph Bonaparte, the ex-king of Spain, who, in 1816, hired Lansdowne House, near Philadelphia, and was invited by the farmer in charge of it to step into his house and take a drink of cider:

"Joseph went in, took a chair, and after drinking praised it much, enquiring where Bones bought it. Bones, who is a good-natured, free-spoken man, told him that in America farmers made their own cider, and if it was good, so much the better; if bad, it must be swallowed by them. Just like the government made by the Americans—if honestly administered, they were contented and happy; if otherwise, they must wait patiently and endure it until the constitutional time of changing its officers. This was interpreted to Joseph, and seemed to amuse him."

Mr. Breck was a hearty Federalist, and tells many stories to the disadvantage of the opposite party. After speaking of Washington's dignity (p. 188), he goes on:

"None of his successors, except the elder Adams, has placed a proper value on a certain degree of display that seems suitable for the chief magistrate of a great nation. . . . That levelling philosopher, Jefferson, was the first President who broke down all decorum and put himself when abroad, upon a footing with the plainest farmer of Virginia. I say 'when abroad,' because in his family he lived luxuriously, and was fastidious in the choice of his company. But when he wanted to catch the applause of the vulgar, with whom, however, he was too proud to associate, he would ride out without a servant and hitch his pacing nag to the railing of the Presidential palace."

Enough examples are given of corruption, nepotism, and inefficiency in the Government to show that we are not very much worse than our fathers. The contrast, it strikes one in reading a book like this, is not so much in the number and extent of the single acts of corruption, as in the fact that politics had not then become a trade. What were then abuses are now recognized practices.

* * * Publishers will confer a favor by always marking the price of their books on the wrapper.

BOOKS OF THE WEEK.

Authors.—Titles.	Publishers.—Price.
Cherbuliez (Y.), Samuel Brohl et Cie, swi.	(S. W. Christern)
Carew (Rachel), Tangled: a Tale.	(S. C. Griggs & Co.)
Coburn (F. D.), Swine Husbandry.	(Orange Judd Co.) \$1.75
Hamilton (Gail), What Think Ye of Christ?	(Estes & Lauriat)
First Love is Best: a Tale.	" " 1.25
Heim (Clementine), Gretchen's Joys and Sorrows: a Tale, swi.	(A. Williams & Co.)
Hall (F.), Index to Wilson's Vishnu Purana.	(Trubner & Co.)
Goodyear (W. A.), Coal Mines of the Western Coast.	(A. C. Bancroft & Co.)
Littell's Living Age, Vol. 18, Apr. 1877.	(Littell & Gay)
Nimpo: a Tale.	(Lockwood, Brooks & Co.) 1.50
White (R. G.), The New Gospel of Peace, new ed.	(Am. News Co.)

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